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1774–1789

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WEDNESDAY, SEPTEMBER 2, 1778

A memorial from Matthew Irwin, Azariah Dunham, and Joseph Hugg, was read:

Ordered, That it be referred to the Board of Treasury.

Mr. Nicholas Vandyke, a delegate from Delaware, attended, and took his seat in Congress.

On motion,

That General Washington be directed forthwith to apply to General Clinton for passports to convey provisions from Pennsylvania, or the States southward thereof to Boston, or such other ports eastward of New York, as General Washington shall judge expedient, sufficient to supply the Troops of the Convention of Saratoga, and such prisoners of the British Army as are subsisted by the United States, on the east side of Hudson's River; and in Case of a Refusal or Delay to grant such passports, that General Washington forthwith order such Troops and prisoners to the States of Pennsylvania, Maryland and Virginia, for the conveniency of subsisting them, informing General Clinton of the purpose of this Resolve.[1]

Resolved, That it be recommended to the legislative or executive powers of the State of Pensylvania, and the states southward thereof, to permit such vessels to load with flour, wheat, rice, corn, pease, or beans, for the eastern states, as shall come recommended by the executive powers of such states, or any of them, to carry provisions for the consumption of the people of those states:

On putting the question, the yeas and nays being required by Mr. G[ouverneur] Morris,

[1] This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, IV, folio 169. It is endorsed: "2d Sept. Read and postponed for Mr. Morris's motion assisting." This indicates that the accepted resolve was moved by Gouverneur Morris.

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New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Hosmer,	ay	ay
New York,		
Mr. Lewis,	no	no
G. Morris,	no	
New Jersey,		
Mr. Witherspoon,	ay	div.
Elmer,	no	
Pennsylvania,		
Mr. Roberdeau,	no	no
James Smith,	no	
Delaware,		
Mr. Van Dyke,	ay	ay
Maryland,		
Mr. Chase,	ay	div.
Plater,	no	
Forbes,	no	
Henry,	ay	
Virginia,		
Mr. Harvie,	no	no
R. H. Lee,	ay	
Griffin,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Mathews,	ay	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	ay	
Langworthy,	ay	

So it was resolved in the affirmative.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, SEPTEMBER 3, 1778

A letter, of 31 August, from General Washington, was read, together with the following papers enclosed therein, viz. an account of officers for whom Colonel Armand desires commissions in his corps; a memorial of Brigadier du Portail, respecting the rank of the officers who came with him; and a report of a board of general officers on an alteration in the rules and articles of war:[1]

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 313; the report of the board of general officers is on folio 317; the memorial of Du Portail is in No. 41, VIII, folio 54.

Ordered, That the said letter, with the papers enclosed, be referred to the Board of War.

The Committee on the Treasury brought in sundry reports: Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Hilborn, for 500 dollars, in discharge of a bill of Samuel Johnston, treasurer of the northern district of the State of North Carolina, in favour of Richard Blackledge, for that sum, dated the 21 December, 1776; the said State of North Carolina to be accountable:[1]

That a warrant issue on the treasurer in favour of Dr. Jonathan Potts, deputy director general for the middle district, for 70,000 dollars, of which 40,000 is for the use of the hospitals thereof, and 30,000 to be transmitted to Dr. Johnston, assistant director of the northern department: the said Dr. Potts to be accountable:

That a warrant issue on the treasurer in favour of James Mease, Esq. cloathier general, for one hundred and thirty one thousand dollars, to enable him to answer sundry draughts of his agents; the said James Mease Esq. to be accountable.[2]

That a warrant issue on the treasurer in favour of David Mosely, for 200 dollars, advanced him on account of his wages, printing the bills of exchange.

Resolved, That where accounts of back rations are presented to the auditors of the army, which, from death or distant removal, cannot be certified by the issuing commissaries, the auditors be empowered to settle such back-rations upon the oath of the party, and such other evidence as the circumstances of the case will admit.[3]

[1] This report, dated August 31, is in the *Papers of the Continental Congress*, No. 136, II, folio 511.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 527.

[3] This report, dated September 1, is in the *Papers of the Continental Congress*, No. 136, II, folio 513.

Resolved, That any person who has been or shall be appointed a brigade chaplain, and previous to his appointment shall have acted in that capacity, be allowed for the time of such service, after the date of the certificate of the brigadier or colonel commandant of his brigade to Congress, recommending him to the said office, the pay and rations or subsistence of such a chaplain, deducting the sums received as regimental chaplain.

Resolved, That each auditor of the army be hereafter allowed for subsistence one ration per day and fifty dollars per month:

That the auditors of each army be authorized to augment the pay of their clerks to a sum not exceeding seventy dollars per month.[1]

Congress proceeded to the election of an auditor of accounts at the main army, and the ballots being taken,

James Johnston, Esq. was elected.

In consequence of an adjustment by the commissioners of claims, the assistant auditor reports.

That there is due to Messrs. Furedge, Spanganberg, Miller, Shultz and Shultz, for their services as musicians at the entertainment given by Congress to the French minister, the 6 of last month, forty dollars:

That there is due to Hynman Taylor, for making two chair seats for the use of Congress [at the public Reception of Monsieur Gérard] 27 30/90 dollars:[2]

Ordered, That the said accounts be paid.

Congress took into consideration sundry reports from the Board of War, and thereupon came to the following resolutions:

[1]This report, dated September 2, is in the *Papers of the Continental Congress*, No. 136, II, folio 521.

[2]This report is in the *Papers of the Continental Congress*, No. 136, II, folio 517. The words in brackets are taken from the original report.

At a Board of War, *August 28, 1778.*

Present Mr Pickering, Mr Peters.

The Board have considered Genl Arnold's letter referred to them by Congress, and procured from the Town Major a detail of the guard daily mounted in and near this city, which is annexed hereto. Besides the duty of the garrison, there is frequently occasion for escorts and small parties to be furnished out of the troops stationed here. Some allowance too should be made for casualties. The Board are therefore of opinion that the number of militia asked for by Genl Arnold is not too great, and beg leave to report,

Whereas General Washington has required that the continental troops in Philadelphia be sent to join the main army, and that they be replaced by the city militia:[1]

Resolved, That the supreme executive council of the State of Pennsylvania be requested to call out immediately three hundred of the militia of the State, to serve as guards in the city of Philadelphia, and perform such other military services as shall be required of them.[2]

At a Board of War, *Aug. 7th, 1778.*

The Board having received an application from Colo Proctor of the Artillery Regiment raised in Pennsylvania, desiring that the Regiment may be considered as Part of the Quota of Pennsylvania as the Men were entirely recruited in that State, and representing that the Council of that State do not think proper to furnish Money for the State Bounty on the present Footing of the Regiment, Agreed to report to Congress.

Resolved, That the artillery regiment raised in Pensylvania, commanded by Colonel Thomas Proctor, be considered as part of the quota of troops to be furnished by that State, which is to be credited for the men now in the regiment, and also for any which shall be hereafter recruited therein; and that the government of the said

[1] This paragraph was not in the original report.

[2] This report, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 221.

State be requested to furnish Colonel Proctor with the State bounty, to enable him to fill up the regiment to its complement of men:

That the committee of arrangements be directed to consider the state of the officers of the said regiment, and regulate the same in the manner and according to the rules adopted by them with respect to other artillery regiments.[1]

WAR OFFICE, *August 29, 1778.*

Present M^r^ Peters, M^r^ Pickering.

The Board having considered the cases of Messrs. Führer and Kleinschmit, lately first Lieutenant in the Hessian corps in the service of the King of Great Britain, as stated in the letter of His Excellency Gen^l^ Washington, referred to this board on the 18 inst. having also conferred with the Baron Steuben on the subject, are of opinion

Resolved, That, a new corps of troops be raised by the name of the *German volunteers*, to consist of such deserters from the foreign troops, which have been or shall be in the service of the king of Great Britain, as shall be disposed freely to inlist therein:

That this corps be inlisted for three years or during the war, and receive the usual bounty and cloathing allowed to the troops in the service of the United States:

That each non-commissioned officer and soldier who shall inlist into the said corps, and bring with him the several articles of cloathing enumerated in a resolve of Congress, passed the sixth of September, 1777, and sufficient for one year's service, shall receive therefor the sum of fifty-six dollars, and so in proportion for any parts of such cloathing at the rates there fixed; the money allowed for such cloathing to be paid by the cloathier general or one of his deputies, who shall charge the articles so paid for as cloathing issued to the corps:

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 167.

That Lieutenants Fearer [Führer] and Kleinsmit [Kleinschmit] have, for the present, the pay of captains in the service of the United States, and be empowered to inlist the deserters aforesaid, preferring such as they can induce to leave the service of the enemy; and that captains' commissions be granted them, provided that within three months from this third day of September, each shall have inlisted at least thirty men.[1]

WAR OFFICE, *September 2d, 1778.*

Present, Mr. Duer, Mr. Peters, Mr. Pickering.

The Board have considered Genl. de Kalb's letter relative to Lieut. Charles Juliat, referred to them by Congress; they have also conversed with Mr. Juliat, and find that Genl. Pulaski would receive him as a volunteer in the infantry of his corps, but, he has not the means of subsisting himself in that character; yet from Genl. de Kalb's recommendation, and because encouragement has been given for foreign officers to quit the Enemy's service, we are of opinion he should be employed. If his services are approved, he may have a commission hereafter either in the legion, or the corps of German volunteers, as Congress shall please to order, the board being of opinion that Lieutenants Führer and Kleinschmit already reported to Congress are sufficient to make the experiment of recruiting for the latter corps. The Board therefore beg leave to report,

It being expedient to appoint some head to superintend the recruiting, and to command the corps of German volunteers, proposed to be raised, and Major Klein appearing to be a suitable office for that purpose, the board beg leave to report,

Major Klein having resided in America more than a year, and his circumstances and character being fully known to divers members of Congress the Board judged it unnecessary to mention the reasons of their recommending him to the office above mentioned.[2]

That Major Klein be appointed lieutenant colonel of the corps of German volunteers.

[1] This report, dated August 29, is in the *Papers of the Continental Congress*, No. 147, II, folio 241.

[2] This report, dated September 2, and prepared by Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio, 251.

Resolved, That Lieutenant Charles Juliat be permitted to serve as a volunteer in the infantry of General Pulaski's legion, and have the pay and subsistence of a lieutenant for his support:

At a Board of War, *September 2d, 1778.*

Present, Mr Duer, Col Pickering, Mr Peters.

The Board taking into consideration the Letter from Dr Franklin herewith sent and having conversed with Mons Girard who agrees to serve as a Volunteer at his own Expense, but is desirous of having a Commission of a Lieutenant of Dragoons by Brevet to be made Use of in Case of his being made Prisoner by the Enemy: Agreed to report to Congress,

That Monsr. Girard be appointed to the rank of lieutenant of dragoons by brevet, and be permitted to join the army under General Washington as a volunteer, he having agreed to serve in that capacity at his own expence.[1]

Resolved, That the intended expedition against the Senecas and other hostile tribes of the northern Indians, mentioned in the resolution of Congress, of the 11 June last, be for the present laid aside:

That General Washington be directed to pursue such practicable measures for the defence of the frontiers of the states exposed to the incursions of the northern Indians, as to him shall seem best adapted to present circumstances, calculated to check the ravages of the enemy, and to protect the distressed inhabitants of the said frontiers.

Resolved, That Samuel Ashe, Esq. take rank as captain of the first troop of North Carolina dragoons, from the 7th day of May, 1777:

That Benjamin Mills, Esq. take rank as lieutenant in the same troop, from the 15th of July, 1777:

[1]This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 253.

That William Buford, Esq. take rank as ensign in the same troop, from the 16 day of July, 1777; and that commissions be granted them accordingly.[1]

Ordered, That the report of the Board of War, on the representation of Colonel G. Morgan, be re-committed:

WAR OFFICE, *August 14, 1778.*

Present, Mr. Duer, Mr. Peters, Mr. Pickering.

Colo. George Morgan, purchasing Commissary for the Western department, having represented to this board the necessity of preparing immediately for the laying up such magazines of provisions as shall be sufficient for the troops maintained for the defence of that frontier; the board desired information of the number of men necessary to be kept up there on the present plan, the posts at which they are stationed, and their use.

He accordingly presented such a state to the board, from which it appears that thirteen hundred men would be requisite for the above purpose. That to supply them with provisions ten months, or 304 days (viz from the first of Novr. 1778 to the 31st of August 1779,) it will require 617,500 lb of flour, a like quantity of fresh beef, or 494,000 lb of pork, including one quarter for accidents and waste. That the cost of these provisions, and the charges attending their purchase and transportation, will amount to 200,000 dollars, to which he has added 4,000 for 1500 gallons of whiskey. Colo. Morgan also at the request of the Board, procured from Mr. William Willson (whom he represented as well acquainted with them) an account of the present state of the western Indians, from which it appears. That the whole number who are hostile, do not exceed 330 fighting men; That these are settled from about 150 to 300 miles distance from Fort Pitt. That within the same distances, there are about double that number of Indians at present friendly.

Colo. Morgan is of opinion, that on account of these hostile Indians, and the Northern tribes (the Senecas especially) it will be necessary to keep up the number of men before stated, except 150 of them proposed as the garrison of Fort Randolph, which being two hundred miles distant from the settlement of the inhabitants of Virginia, he thinks, is on the defensive plan, of little or no use; and even if offensive measures were meditated that 'tis of small consequence, its distance from the most hostile Indians being as great as that of Fort Pitt.

[1] These are based on a letter from the Board of War, dated August 15, prepared by Timothy Pickering, in the *Papers of the Continental Congress*, No. 147, II, folio 187.

From this view of facts which are particularly stated in the papers accompanying this report, the Board submit to Congress whether it is not expedient,

That Col? George Morgan, Commissary of purchases for the Western department, be furnished with thousand dollars to enable him to form magazines of provisions for the use of that department the year ensuing—

The Board beg leave to add, that if it should be unnecessary to maintain such a number of troops on the frontiers, the provisions will be ready for any services down the Mississippi: But that unless measures are taken for forming the magazines immediately, it will be difficult, if not impossible to form them at all.

By order of the Board,

TIM. PICKERING.

WAR OFFICE, *Sept. 17, 1778.*

The Board have farther considered the subject of the foregoing report, and consulted Gen! Hand, who has lately returned from Fort Pitt; and are of opinion that the whole sum asked for by Col. Morgan, viz. two hundred and four thousand dollars, will be necessary to enable him to lay in the provisions requisite for the troops kept up on the western frontiers, and which must be maintained, to prevent the inhabitants abandoning their extensive settlements. This sum is the more certainly necessary as flour has been raised to an enormous price since the estimate was made.

By order of the Board

TIM. PICKERING.[1]

That the report of the Board of War, respecting Major Mullens, be referred to the Board of Treasury.[2]

A motion was made,

That Congress do, till the 1st November meet every morning ~~in the week, sundays excepted~~ at 9 o'clock, and sit till 2; and every afternoon, ~~Sundays~~ Wednesdays and Saturdays excepted, meet at 4 and sit till 9 o'clock.

[1] This report, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 175. It is endorsed: "Read, 13 [3] September 1778, recommitted. Passed 1 December 1778."

[2] The report is a letter from the Board of War, dated August 29, and prepared by Timothy Pickering, and is in the *Papers of the Continental Congress*, No. 147, II, folio 229.

A motion was made to amend, by striking out the last 9, and instead thereof, insert 6; and the yeas and nays being required by Mr. [William Henry] Drayton:

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts bay,		
Mr. S. Adams,	no	ay
Gerry,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Hosmer,	ay	ay
A. Adams,	ay	
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
G. Morris,	no	
New Jersey,		
Mr. Witherspoon,	no	no
Pensylvania,		
Mr. Roberdeau,	no	div'd
J. Smith,	ay	
Delaware,		
Mr. Van Dyke,	ay	ay
Maryland,		
Mr. Chase,	ay	no
Plater,	no	
Forbes,	no	
Henry,	no	
Virginia,		
Mr. Harvie,	no	no
R. H. Lee,	no	
Griffin,	no	
North Carolina,		
Mr. Penn,	no	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	ay	no
Drayton,	no	
Mathews,	no	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	no	
Langworthy,	ay	

So it was resolved in the affirmative.

A motion was made to amend farther by striking out 4 and inserting 3, which was agreed to.

A motion was made to strike out 2 and insert 1.

And the yeas and nays being required by Mr. [Gouverneur] Morris:

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Hosmer,	ay	ay
A. Adams,	ay	

New York,			
Mr. Lewis,	ay	ay	
Duer,	ay		
G. Morris,	no		
New Jersey,			
Mr. Witherspoon,	ay	ay	
Pensylvania,			
Mr. Roberdeau,	ay	div'd	
J. Smith,	no		
Delaware,			
Mr. Van Dyke,	ay	ay	
Maryland,			
Mr. Chase,	ay	div'd	
Plater,	no		
Forbes,	no		
Henry,	ay		
Virginia,			
Mr. Harvie,	ay	ay	
R. H. Lee,	ay		
Griffin,	no		
North Carolina,			
Mr. Penn,	ay	ay	
Harnett,	ay		
Williams,	ay		
South Carolina,			
Mr. Laurens,	ay	no	
Drayton,	no		
Mathews,	no		
Georgia,			
Mr. Walton,	ay	no	
Telfair,	no		
Langworthy,	no		

So it was resolved in the affirmative.

A motion was made to strike out first 9, and insert 5; which, on the question put, and the yeas and nays being required by Mr. [William] Duer:

New Hampshire,			
Mr. Bartlett,	no	no	
Massachusetts bay,			
Mr. S. Adams,	no	no	
Gerry,	no		
Holten,	no		
Rhode Island,			
Mr. Marchant,	no	no	
Connecticut,			
Mr. Hosmer,	no	no	
A. Adams,	no		
New York,			
Mr. Lewis,	ay	ay	
Duer,	no		
G. Morris,	ay		
New Jersey,			
Mr. Witherspoon,	no	no	
Pensylvania,			
Mr. Roberdeau,	ay	ay	
James Smith,	ay		
Delaware,			
Mr. Van Dyke,	no	no	
Maryland,			
Mr. Chase,	no	no	
Plater,	ay		
Forbes,	no		
Henry,	no		
Virginia,			
Mr. Harvie,	no	no	
R. H. Lee,	no		
Griffin,	no		
North Carolina,			
Mr. Penn,	no	ay	
Harnett,	ay		
Williams,	ay		

South Carolina,			*Georgia,*		
Mr. Laurens,	no		Mr. Walton,	no	
Drayton,	ay	no	Telfair,	no	no
Mathews,	no		Langworthy,	ay	

So it passed in the negative.

It was then moved to insert 8 instead of 9, and the yeas and nays being required by Mr. [Gouverneur] Morris:

New Hampshire,			*Maryland,*		
Mr. Bartlett,	no	no	Mr. Chase,	no	
Massachusetts bay,			Plater,	no	no
Mr. S. Adams,	no		Forbes,	ay	
Gerry,	no	no	Henry,	no	
Holten,	no		*Virginia,*		
Rhode Island,			Mr. Harvie,	no	
Mr. Marchant,	no	no	R. H. Lee,	no	no
Connecticut,			Griffin,	no	
Mr. Hosmer,	no		*North Carolina,*		
A. Adams,	no	no	Mr. Penn,	ay	
New York,			Harnett,	ay	ay
Mr. Lewis,	no		Williams,	no	
Duer,	ay	ay	*South Carolina,*		
G. Morris,	ay		Mr. Laurens,	no	
New Jersey,			Drayton,	ay	no
Mr. Witherspoon,	no	no	Mathews,	no	
Pensylvania,			*Georgia,*		
Mr. Roberdeau,	ay		Mr. Walton,	no	
James Smith,	ay	ay	Telfair,	ay	ay
Delaware,			Langworthy,	ay	
Mr. Van Dyke,	no	no			

So it passed in the negative.

A motion was [made] to strike out the words "sit till" and insert "adjourn;" and after "1 o'clock" add "unless all the members present shall consent to continue sitting" and the yeas and nays being required by Mr. [Henry] Laurens:

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts bay,		
Mr. S. Adams,	ay	ay
Gerry,	no	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Hosmer,	ay	ay
A. Adams,	ay	
New York,		
Mr. Lewis,	ay	ay
Duer,	no	
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Pensylvania,		
Mr. Roberdeau,	ay	div'd
Smith,	no	
Delaware,		
Mr. Van Dyke,	ay	ay
Maryland,		
Mr. Chase,	no	div'd
Plater,	no	
Forbes,	ay	
Henry,	ay	
Virginia,		
Mr. Harvie,	ay	ay
R. H. Lee,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	ay	
Mathews,	no	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	ay	
Langworthy,	ay	

So it was resolved in the affirmative.

It was then moved to insert the words "adjourn at". instead of "sit till"; and after "6 o'clock" add, "unless it shall be determined by a majority to continue sitting", and the yeas and nays being required by Mr. [Samuel] Chase:

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Hosmer,	ay	ay
A. Adams,	ay	
New York,		
Mr. Lewis,	ay	ay
Duer,	no	
G. Morris,	ay	

New Jersey,		
Mr. Witherspoon,	ay	ay
Pensylvania,		
Mr. Roberdeau,	ay	div'd
J. Smith,	no	
Delaware,		
Mr. Van Dyke,	ay	ay
Maryland,		
Mr. Chase,	no	div'd
Plater,	ay	
Forbes,	no	
Henry,	ay	
Virginia,		
Mr. Harvie,	ay	ay
R. H. Lee,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Mathews,	no	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	ay	
Langworthy,	ay	

Another amendment was moved to add "provided always there shall be no debate on the question for adjournment."

Question put, carried in the affirmative.

The question being put on the motion as amended; and the yeas and nays required by Mr. S[amuel] Adams:

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Hosmer,	ay	ay
A. Adams,	ay	
New York,		
Mr. Lewis,	ay	ay
Duer,	no	
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Pensylvania,		
Mr. Roberdeau,	ay	div'd
James Smith,	no	
Delaware,		
Mr. Van Dyke,	ay	ay
Maryland,		
Mr. Chase,	ay	ay
Plater,	no	
Forbes,	ay	
Henry,	ay	
Virginia,		
Mr. Harvie,	ay	ay
R. H. Lee,	ay	
Griffin,	ay	

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North Carolina,			*Georgia*,		
Mr. Penn,	ay		Mr. Walton,	ay	
Harnett,	no	no	Telfair,	ay	ay
Williams,	no		Langworthy,	ay	
South Carolina,					
Mr. Laurens,	ay				
Drayton,	ay	ay			

So it was resolved,

That Congress do till the first of November next, meet every morning at 9, and adjourn at 1 o'clock, unless all the members present shall consent to continue sitting; and every afternoon, Wednesdays and Saturdays excepted, meet at 3 and adjourn at 6 o'clock, unless it shall be determined by a majority to continue sitting; provided always, there shall be no debate on the question for adjournment.

A motion being made relative to "the requisition" of the Earl of Carlisle, Sir Henry Clinton, and William Eden, Esq. "respecting the troops lately serving under Lieutenant General Burgoyne," and relative to the removal of the said troops from their present place of confinement:

Whereas Congress did on the 13th day of January last Resolve in the manner following, to wit:

Whereas the Declaration of Lieutenant General Burgoyne in his Letter of the 14th November last to Major General Gates that the Public Faith is broke on the part of these States, and other Reasons set forth in the Resolution of Congress of the 8 January instant, compelled Congress to adopt Measures for securing the Performance of the Convention of Saratoga on the Part of the Court of Great Britain, whereby the Embarkation of Lieutenant General Burgoynes army has been necessarily suspended; and whereas the subsistance of that Army in the State of Massachusetts Bay is not only extremely burthensome to these States, but tends greatly to distress the Inhabitants of the Country, wherein they are quartered, and it is contrary to the Principles of Justice that these States should suffer Inconveniences from

the Conduct of Lieutenant General Burgoyne, which could not be foreseen at the Time when the Convention of Saratoga was entered into.

Resolved, That General Washington be directed again to require of General Howe proper passports for Vessels to transport to Boston salted Meat, Flour, and Fuel necessary for the subsistance of Lieutenant General Burgoynes Army, during the time they shall be necessarily detained in the State of Massachusetts Bay in Consequence of the resolution of Congress of the 8th January instant, and that Gen[l] Howe be informed that in case of his refusal to comply with this just Request, these States will not deem themselves answerable for subsisting General Burgoynes Army agreeable to the Terms of the Convention of Saratoga but shall think themselves at liberty to remove or separate the said Army to such Parts of the State of Massachusetts Bay as they may be conveniently subsisted in until the Convention of Saratoga shall be ratified by the Court of Great Britain, and properly notified to Congress.

And whereas General Howe has not only declined granting Passports but neglected to send Timely and Sufficient Supplies of Salted Meat, Flour, and Fuel for the Subsistence of General Burgoyne's Army, whereby the Prices of the Necessaries of Life have been enormously enhanced to the great Distress of the Inhabitants of the Town of Boston, and to the Injury of the Public.

Resolved that General Heath in concurrence with the President and Council of the State of Massachusetts Bay be directed forthwith to take immediate Measures for the Removal of the Convention Prisoners to such Parts of the Massachusetts Bay as in their Opinion they can be most conveniently furnished with Supplies, especially with the Article of Flour.

Resolved, that whenever General Clinton or the Commander in Chief of the British Army, shall grant the necessary Passports for American Vessels to transport salted Meat, Flour and Fuel to Boston necessary for the Subsistance of the Convention Prisoners, or shall cause to be transported thither sufficient salted Meat, Flour and Fuel for that Purpose, Major Gen[l] Heath in Concurrence with the President and Council of the State of Massachusetts Bay shall be authorized to remand the said Troops to their former Quarters.[1]

[1] This motion, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 36, I, folio 31. It is endorsed as "presented 3 September."

Ordered, That the consideration be postponed till three o'clock to morrow.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, SEPTEMBER 4, 1778

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That any regimental officer, who has been, or shall be, ordered by the Commander in Chief, or commanding officer of any department, on business not incidental to his office, and distant from camp, be allowed, for the expence of himself and horse, three dollars a day, whilst necessarily employed on such service.[1]

The committee to whom was referred the letter of the 26 August, from the Board of War, relative to the expence of fitting up Mr. Dickinson's house for the residence of Mons. Gérard, report, "that they have waited on Mr. Dickinson, who shewed them a contract entered into between him and the Board of War, whereby it appears that the repairs are to be at the expence of the United States;" Whereupon,

Resolved, That the committee be discharged.

On motion, *Resolved*, That the Committee of Commerce do, with all convenient speed, prepare and report to Congress a state of the debts and contracts of the United States, and an estimate of the sums necessary to fulfil and discharge such debts and contracts:

That the said committee be empowered to employ such persons, and call for such accounts and papers as may be necessary for the purposes above mentioned.

That the members of the Secret Committee, now present, be a committee to close the accounts of that com-

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 525.

mittee, and deliver them to the Committee of Commerce, and that the said members be authorized to employ proper persons for adjusting and closing the accounts of the Secret Committee.

The Committee of Commerce laid before Congress an invoice of sundry articles shipped on board the French tartan *La Ceres*, Captain Claude Icard, by order of ||the late|| Thomas Morris, Esq., of Philadelphia, at Nantes, and consigned to William Bingham, Esq., in Martinique, for account and risque of the United States, amounting to £14,437 15 1, French money:

Ordered, That the Committee of Commerce liquidate and pay the said account.

Congress being informed that the books and papers of Thomas Morris, late commercial agent of the United States in France, are deposited with the commissioners at the court of France, or some of them; and the hon. Robert Morris, Esq. surviving partner and administrator of the deceased, applying to this house, to cause the same to be delivered to him, so that he may proceed to a settlement of the estate, &c.

Ordered, That the commissioners or commissioner, who shall be possessed of the said books and papers when this order arrives, deliver the same, both public and private, to the said Robert Morris, or to his order.

A letter, of 1st, from I. Murray to Mr. Robert Morris, was laid before Congress, and read:

Ordered, That it be referred to the Board of War.

A letter, of this day, from Mr. Joseph Nourse, was read, requesting leave to resign his office of secretary to the Board of Ordnance, and pay master to the Board of War and Ordnance:[1]

Ordered, To lie on the table for consideration.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 55.

THREE O'CLOCK, P. M.

A letter, of 1, from General Washington, enclosing a copy of a letter of 29 August, from General Sullivan, on the north end of Rhode Island, giving an account of an action with the enemy on the 29th, was read:[1]

Ordered, That the letter from General Sullivan be referred to the Committee of Intelligence.

On motion, *Resolved*, That the committee of arrangement, to whom the letter of 11 June, from the council of war of Rhode Island was referred, be discharged from proceeding thereon, and that the letter be referred to a committee of three:

The members chosen, Mr. [Titus] Hosmer, Mr. S[amuel] Adams, and Mr. [Richard Henry] Lee.

According to order, Congress took into consideration the motion relative to the requisition made by the Earl of Carlisle, Sir Henry Clinton, and William Eden, respecting the troops of the convention of Saratoga, which was read as follows:

Whereas Congress, did, on the 8 day of January, 1778, resolve "that the embarkation of Lieutenant General Burgoyne and the troops under his command be suspended till a distinct and explicit ratification of the convention of Saratoga shall be properly notified by the court of Great Britain to Congress:

Resolved, That no ratification of the convention of Saratoga, which may be tendered in consequence of powers, which only reach that case by construction and implication, or which may subject whatever is transacted relative to it to the future approbation or disapprobation of the ~~crown or~~ parliament of Great Britain, can be accepted by Congress."

[1]The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 321.

An amendment was moved to strike out the words "crown or," and the yeas and nays being required by Mr. [William] Duer,

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusestts Bay,		
Mr. S. Adams,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Hosmer,	ay	ay
A. Adams,	ay	
New York,		
Mr. Lewis,	ay	no
Duer,	no	
G. Morris,	no	
New Jersey,		
Mr. Witherspoon,	ay	ay
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Delaware,		
Mr. M'Kean,	ay	ay
Van Dyke,	ay	
Maryland,		
Mr. Chase,	ay	ay
Plater,	ay	
Forbes,	ay	
Henry,	no	
Virginia,		
Mr. Harvie,	no	ay
R. H. Lee,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	no	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	ay	
Langworthy,	ay	

So it was resolved in the affirmative.

Another amendment was moved, after the recital of the resolution of the 8th of January, to add "and notwithstanding a requisition hath been made of the said troops, yet no such ratification hath been notified as aforesaid" and in lieu of the resolution moved, to insert "therefore resolved, that the said troops be still detained, agreeably to the said resolution;" and the yeas and nays being required by Mr. G[ouverneur] Morris,

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts Bay,		
Mr. S. Adams,	ay	no
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. A. Adams,	ay	ay
New York,		
Mr. Lewis,	ay	ay
Duer,	no	
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	no	no
Pennsylvania,		
Mr. Roberdeau,	no	no
Delaware,		
Mr. M'Kean,	no	no
Van Dyke,	no	
Maryland,		
Mr. Chase,	no	no
Plater,	no	
Forbes,	ay	
Henry,	no	
Virginia,		
Mr. Harvie,	no	no
R. H. Lee,	ay	
Grffin,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Georgia,		
Mr. Walton,	no	no
Telfair,	no	
Langworthy,	no	

So it passed in the negative.

A motion was then made in lieu of the whole to substitute as follows:

"Whereas on the 8th day of January, 1778, Congress by their resolve, for good and sufficient causes therein specified, suspended the embarkation of the troops of the convention of Saratoga, under the command of Lieutenant General Burgoyne, until the ratification of the convention of Saratoga by the court of Great Britain should be duly notified to Congress: and, whereas, on the 26 of August, the Earl of Carlisle, Sir Henry Clinton, and William Eden, Esq. reciting their authority, did make a remonstrance to Congress, offering to ratify the said convention, and requiring permission for the said troops to embark in pursuance of the said convention: and, whereas, the said

ratification would be subject to the future ratification of the British parliament, without which it would be of no validity: therefore, resolved, that Congress will abide by their demand of a ratification by the court of Great Britain, duly notified to Congress; and therefore that the said requisition be not complied with."

The question put, passed in the negative.

Question put on the original motion as amended, resolved in the affirmative.

Adjourned to 9 o'Clock to Morrow.

SATURDAY, SEPTEMBER 5, 1778

A letter, of 4th, from John Berkenhout, was read:

Ordered to lie on the table.

The committee to whom was referred the letter of 13 August, from Governor Caswell to Mr. [John] Penn, brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer for 400,000 dollars, in favour of the delegates of the State of North Carolina, on an application of the governor of that State, for the purpose of raising, equipping and marching the men voted by the said State to complete their continental battalions; the said State to be accountable;

Ordered, That the consideration of the remainder of the report be postponed.

A letter, of the 4, from H. Hollingsworth, deputy quarter master general at the Head of Elk, directed to the Board of War, was laid before Congress, and read:[1]

Ordered, That the consideration thereof be postponed to Monday next.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 321.

Congress resumed ||the consideration of|| the report of the committee on the arrangement of the treasury, and after some time spent thereon,

Ordered, That the further consideration thereof be postponed.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Marine Committee, for 20,000 dollars, for the use of the navy board in the middle district; the said Committee to be accountable.

Resolved, That five millions of dollars be emitted under the direction of the Board of Treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 11 April last, and be numbered from the last number of each denomination progressively, and consist of the following denominations:

41,667 bills of 40 dollars,	1,666,680	41,667 bills of 6 dollars,	250,002
41,667 do. of 30 do.	1,250,010	41,666 do. of 5 do.	208,330
41,666 do. of 20 do.	833,320	41,667 do. of 4 do.	166,668
41,666 do. of 8 do.	333,328		
41,666 do. of 7 do.	291,662		5,000,000[1]

Adjourned to 9 o'Clock on Monday.

MONDAY, SEPTEMBER 7, 1778

A letter, of 4, from General Washington, and a letter of 31 August, from General Sullivan, at Tiverton, giving an account of his retreat to the main the preceding evening, without any loss of men or stores, were read:[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 529.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 327; that of Sullivan is in No. 160, folio 170.

Ordered, That the letter from General Sullivan be referred to the Committee of Intelligence.

A letter, of this day, from Major General Arnold, was read:

~~It was moved that the said letter be referred to a committee of five, that they be directed to confer with Major General Arnold, and in case they approve the plan, that they be empowered to take the most effectual measures and give the necessary orders for carrying the same into execution. To this an amendment was moved to add, provided the plan be thought prudent by the commander [in chief].~~

Yeas and nays required on amendment, by Mr. [Samuel] Chase,

New Hampshire,			*Maryland*,		
Mr. Bartlett,	ay	ay	Mr. Chase,	ay	ay
Massachusetts,			Plater,	ay	
Mr. S. Adams,	ay	ay	Forbes,	ay	
Lovell,	ay		Henry,	ay	
Holten,	ay		*Virginia*,		
Rhode Island,			Mr. Harvie,	ay	ay
Mr. Marchant,	no	no	Griffin,	ay	
Connecticut,			*North Carolina*,		
Mr. A. Adams,	no	no	Mr. Penn,	ay	ay
New York,			Harnett,	ay	
Mr. Lewis,	ay	ay	Williams,	ay	
G. Morris,	ay		*South Carolina*,		
Pensylvania,			Mr. Laurens,	ay	ay
Mr. R. Morris,	ay	ay	Drayton,	ay	
Roberdeau,	ay		*Georgia*,		
Delaware,			Mr. Walton,	ay	ay
Mr. Van Dyke,	ay	ay	Telfair,	ay	
			Langworthy,	no	

So it was resolved in the affirmative.

Question on the question amended, yeas and nays required by Mr. [John] Penn,

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts,		
Mr. S. Adams,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. A. Adams,	ay	ay
New York,		
Mr. Lewis,	ay	ay
G. Morris,	ay	
Pensylvania,		
Mr. R. Morris,	ay	ay
Roberdeau,	ay	
Delaware,		
Mr. Van Dyke,	ay	ay
Maryland,		
Mr. Chase,	no	no
Plater,	ay	
Forbes,	no	
Henry,	no	
Virginia,		
Mr. Harvie,	no	ay
R. H. Lee,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Mathews,	no	
Georgia,		
Mr. Walton,	ay	no
Telfair,	no	
Langworthy,	no	

So it was resolved in the affirmative.[1]

Referred to a committee of five:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. S[amuel] Adams, Mr. R[obert] Morris, Mr. [William] Duer, and Mr. [Samuel] Chase.

An appeal being lodged against the judgment of the court of admiralty for the State of Connecticut, in the libel "David Brooks, &c. against schooner *Hope*, &c." the same was referred to the Committee on Appeals.

[1] This vote, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 47, folio 215. It is endorsed: "Secret paper, respecting a secret expedition proposed by General Arnold," and was not entered on the Journals.

THREE O'CLOCK, P. M.

A letter, of the 3, from the committee of arrangement at camp, was read:

Ordered, That it be referred to the Board of War.

A letter, of the 4, from Major General Lee, was read, enclosing the evidence of Major Clark, || touching his trial,|| which he entreats may be laid before Congress:

Ordered, That the evidence enclosed in General Lee's letter, be not read, but returned to Major General Lee.

A letter, of 7, from Captain N. Falconer, was read, informing, that it is not in his power to act as a member of the navy board in the middle district.[1]

Resolved, That to morrow be assigned for electing a commissioner of the navy board in the middle district in the room of Captain Falconer.

A letter, of 28 August, from Dr. [I.] Forster, deputy director general of the hospital in the eastern department, was read:

Ordered, That it be referred to the Medical Committee.

A letter, of 28 August, from Governor Greene, of Rhode Island, was read.

An extract from the minutes of the general assembly of Pensylvania was read, directing the delegates of that State to apply for a sum of money to pay for cloathing purchased for the continental troops:[2]

Ordered, That it be referred to the Board of Treasury.

Adjourned to 9 o'Clock to Morrow.

[1] Lee's letter is in the *Papers of the Continental Congress*, No. 158, folio 117; that of Falconer, in No. 78, IX, folio 181.

[2] Greene's letter is in the *Papers of the Continental Congress*, No. 64, folio 414; the Assembly minute is in No. 69, I, folio 547.

TUESDAY, SEPTEMBER 8, 1778

A letter, of 30 August, from Major General Heath, ||was read,|| enclosing a petition from William de Passern, major of the regiment of Hesse Hanau, of the convention troops, requesting permission to go to Europe on parole;[1] Whereupon,

It was moved, that Major William de Passern be permitted to go to Europe on his parole, not to act against the United States or their allies until released or exchanged according to the terms of the convention of Saratoga.

And the yeas and nays being required by Mr. J[ames] Smith,

New Hampshire,			*Delaware*,		
Mr. Bartlett,	no	no	Mr. Van Dyke,	no	no
Massachusetts Bay,			*Maryland*,		
Mr. Lovell,	no	*	Mr. Forbes,	ay	*
Holten,	no		*Virginia*,		
Rhode Island,			Mr. Harvie,	ay	ay
Mr. Marchant,	no	no	R. H. Lee,	ay	
Connecticut,			Griffin,	no	
Mr. A. Adams,	no	no	*North Carolina*,		
New York,			Mr. Harnett,	no	*
Mr. Lewis,	no	ay	*South Carolina*,		
Duer,	ay		Mr. Laurens,	no	div.
G. Morris,	ay		Drayton,	ay	
Pennsylvania,			*Georgia*,		
Mr. R. Morris,	no	no	Mr. Telfair,	no	no
Roberdeau,	no		Langworthy,	no	
James Smith,	no				

So it passed in the negative.

A letter, of 29 August, from Major General Heath, respecting supplies for Count d'Estaing's fleet, was read:

[1] The petition of Passern, dated August 27, is in the *Papers of the Continental Congress*, No. 42, VI, folio 176.

Ordered, That it be referred to the Marine Committee.

Mr. [William] Duer laid before Congress an extract of a letter from Maryland:

Ordered, That the same, together with the letter of the 4, from Colonel H. Hollingsworth, and the memorial of 31 August, from E. Blaine, deputy commissary general of purchases, be referred to a committee of four:

The members chosen, Mr. R[obert] Morris, Mr. [William] Duer, Mr. R[ichard] H[enry] Lee, and Mr. [Henry] Marchant.

Two letters, of 5, from Stephen Steward, directed to the Committee of Commerce, were read:

Ordered, That they be referred to the Committee of Commerce, who are directed to report thereon.

A letter, of 8, from John Peers, master of the *Mermaid*, a prisoner, was read:

Ordered, That it be referred to the Marine Committee.

A letter, of 4, from General Washington, with sundry papers enclosed, was read:[1]

Ordered, That so much of the said letter as relates to the laying up of magazines to the eastward of Hudson's river, be referred to the committee on the letters from Col. Hollingsworth, Colonel Blaine, &c.

A motion being made for empowering the General, if he finds it necessary, to give an additional bounty of ten dollars to recruits inlisting for three years, or during the war: to which an amendment was moved to add, "and that such additional bounty be at the expence and charged to such of the states as have been deficient in procuring their quotas, according to such deficiency."

[1] The memorial of Blaine is in the *Papers of the Continental Congress*, No. 59, III, folio 195; the letter of Washington, in No. 152, VI, folio 325. It is printed in the *Writings of Washington* (Ford), VII, 175.

On which the previous question was moved, that that question be not now put; and the yeas and nays being required by Mr. [Samuel] Chase,

New Hampshire,			*Maryland*,		
M. Bartlett,	no	no	Mr. Chase,	no	no
Massachusetts Bay,			Forbes,	no	
Mr. Lovell,	ay	*	*Virginia*,		
Holten,	ay		Mr. Harvie,	no	
Rhode Island,			R. H. Lee,	ay	ay
Mr. Marchant,	ay	ay	Griffin,	ay	
Connecticut,			*North Carolina*,		
Mr. A. Adams,	no	no	Mr. Penn,	ay	
New York,			Harnett,	ay	ay
Mr. Lewis,	ay	ay	Williams,	ay	
Duer,	ay		*South Carolina*,		
Pennsylvania,			Mr. Laurens,	ay	ay
Mr. Roberdeau,	ay	div.	Drayton,	ay	
James Smith,	no		*Georgia*,		
Delaware,			Mr. Telfair,	ay	ay
Mr. Van Dyke,	no	no			

So it passed in the affirmative, and the amendment was set aside.

Resolved, That General Washington be authorized, if he shall judge it for the interest of the United States, to augment the continental bounty to recruits, inlisting for three years or during the war, to a sum not exceeding ten dollars, and that he use his discretion in keeping this matter secret as long as he shall deem necessary, and in applying the augmentation of bounty, as circumstances may require.

||*Ordered*,|| That a warrant issue on the treasury in favour of Joseph Nourse, pay master of the Board of War and Ordnance, for 80,000 dollars, to be by him transmitted to William Palfrey, Esq. pay master general, for the purpose of inlisting recruits for the continental service.

Resolved, That so much of the General's letter as relates to cloathing, be referred to the Board of War, and that the Board of War be directed to make use of the most vigorous exertions for transporting to camp the ready made cloathing stored in the eastern states, and in procuring and forwarding to the army such a number of blankets as in their opinion will be necessary to make up the deficiency of blankets already imported or purchased on account of the United States:

That the states of New Hampshire, Massachusetts Bay, Rhode Island, &c., Connecticut, and New York, be desired, when applied to by the Board of War, to afford every assistance in their power, in causing to be made up the linen and other cloathing imported into the eastern states for the continental army.

Ordered, That the memorial of the Rev. John Peter Tetard, enclosed in the General's letter, be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [John] Harvie, and Mr. [James] Lovell.

A letter, of this day, from S. Deane, was read:

Ordered, To lie on the table until to morrow.

THREE O'CLOCK, P. M.

Resolved, That those members of the Treasury Board whose State may be represented in Congress without their personal attendance, be requested to attend at the Treasury Board every forenoon, till the further order of Congress.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury; Whereupon,

A motion was made, that the report of the Board of Treasury of 15 April last, be substituted in lieu of the report of the committee:

On the question put, passed in the negative.

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, SEPTEMBER 9, 1778

A letter, of 26 August, from Count d'Estaing, was read:[1]

Ordered, That it be referred to a committee of four, who are directed to prepare the draught of an answer:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. S[amuel] Adams, Mr. G[ouverneur] Morris, and Mr. [James] Lovell.

A letter, of this day, from John and Alexander Wilcox, was read:[2] Whereupon,

Ordered, That the report of the committee appointed, in conjunction with the committee of the council of Pen sylvania, to ascertain the property of goods, wares, and merchandise, || in possession of the inhabitants of the city of Philadelphia, at the time it was evacuated by the enemy, || be taken into consideration on Friday next.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq. commissioner of the loan office in the State of Pennsylvania, for 7,000 dollars, and another warrant on the treasurer for 23,000 dollars, in favour of William Henry, Esq. employed in the business of the armory, and to purchase leather, accoutrements, and shoes; to enable him to carry on his purchases; which sums are advanced on a certificate of the Board of War, to be charged to the account of the said William Henry:

That a warrant issue on the treasurer in favour of the Marine Committee, for 20,000 dollars, to be by them trans-

[1] This letter is in the *Papers of the Continental Congress*, No. 164, folio 555.

[2] This letter is printed in the *Pennsylvania Archives*, VI, 740.

mitted to Messrs. Maxwell and Loyal, agents for building of frigates in Virginia, to enable them to go on with the building of one of the frigates, and pay off debts already contracted on account of the said frigates: the said committee to be accountable:

That a warrant issue on the treasurer in favour of Mr. J[osiah] Bartlett, one of the delegates from the State of New Hampshire, for 1500 dollars, advanced on his application; for which the said State is to be accountable.

The Board of Treasury, to whom was referred the letter of 29 of August, from the Board of War, enclosing a letter and sundry papers from Lieutenant Colonel Mullens, relative to the settlement of his accounts, report,

That, upon revising Colonel Mullens' account, they find it was settled upon just principles; that he can have no claim of right to receive, in a bill of exchange on France, the sum there reported to be paid by a warrant on the treasurer; and that he apply for the payment of a horse shot under him, agreeable to a resolution of Congress of the 12th day of August last:[1]

Resolved, That Congress agree to the said report.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to William Kinnan, for printing bills of exchange and loan office certificates, his pay and boarding, from 9 March to 31 August, 1778, inclusive, the sum of 628 58/90 dollars:

That there is due to Henry Miller, for printing in German 6100 copies of proposals intended to be conveyed to the foreign officers and soldiers in the British service in the year 1776, twenty dollars:

That there is due to Belcher P. Smith, his pay as clerk in the secretary's office, from the 6 February to the 5th

[1] This report, dated September 7, is in the *Papers of the Continental Congress*, No. 136, II, folio 531.

September, 1778, 595 dollars, and for blank books and other contingencies of the office, 63 30/90 dollars, making in the whole, 658 30/90 dollars:[1]

Ordered, That the said accounts be paid.

||On motion,|| *Resolved*, That the retreat made by Major General Sullivan, with the troops under his command, from Rhode Island, was prudent, timely, and well conducted, and that Congress highly approve of the same.

Resolved, That the thanks of Congress be given to Major General Sullivan, and to the officers and troops under his command, for their fortitude and bravery, displayed in the action of the 29th August, in which they repulsed the British forces and maintained the field.

Resolved, That Congress have a high sense of the patriotic exertions made by the four eastern states on the late expedition against Rhode Island.

Resolved, That Mr. President be requested to inform the Marquis de la Fayette, that Congress have a due sense of the sacrifice he made of his personal feelings in undertaking a journey to Boston, with a view of promoting the interest of these states, at a time when an occasion was daily expected of his acquiring glory in the field, and that his gallantry in going on Rhode Island when the greatest part of the army had retreated, and his good conduct in bringing off the pickets and out-sentries, deserves their particular approbation.

Resolved, That Major Morris, aid de camp to Major General Sullivan, who brought forward to Congress the account of the repulse of the British forces on Rhode Island, on the 29 August, and who, on the late expedition as well as on several other occasions, behaved with great spirit and good conduct, be promoted to the rank of a lieutenant colonel by brevet.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 535.

A motion was made to reconsider the resolution, approving the retreat from Rhode Island: and the yeas and nays being required by Mr. [William] Duer,

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut.		
Mr. A. Adams,	no	no
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
Pennsylvania,		
Mr. R. Morris,	no	no
Roberdeau,	no	
J. Smith,	no	
Delaware,		
Mr. Van Dyke,	no	no
Maryland,		
Mr. Chase,	no	no
Plater,	no	
Forbes,	no	
Henry,	no	
Virginia,		
Mr. Harvie,	no	no
R. H. Lee,	no	
Griffin,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	no	
Mathews,	ay	
Georgia,		
Mr. Telfair,	no	no

So it passed in the negative.

The motion was then made, "That an enquiry be made into the causes of the failure of the late expedition against Rhode Island, agreeably to the resolution of Congress of November 28, 1777, and that General Washington be directed to cause this inquiry to be made as soon as the same can be conveniently done, and transmit the proceedings of the court to Congress:" Whereupon,

The previous question was moved, and the yeas and nays being required by Mr. [William] Duer,

New Hampshire,			*Maryland*,		
Mr. Bartlett,	ay	ay	Mr. Chase,	ay	ay
Massachusetts Bay,			Plater,	ay	
Mr. S. Adams,	ay	ay	Forbes,	no	
Lovell,	ay		Henry,	ay	
Holten,	ay		*Virginia*,		
Rhode Island,			Mr. Harvie,	ay	ay
Mr. Marchant,	ay	ay	R. H. Lee,	ay	
Connecticut,			Griffin,	ay	
Mr. A. Adams,	ay	ay	*North Carolina*,		
New York,			Mr. Penn,	no	no
Mr. Lewis,	no	no	Harnett,	no	
Duer,	no		Williams,	ay	
Pennsylvania,			*South Carolina*,		
Mr. R. Morris,	no	ay	Mr. Laurens,	no	no
Roberdeau,	ay		Drayton,	ay	
James Smith,	ay		Mathews,	no	
Delaware,			*Georgia*,		
Mr. Van Dyke,	ay	ay	Mr. Telfair,	ay	ay

So it was resolved in the affirmative, and the main question set aside.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, SEPTEMBER 10, 1778

A letter, of 8, from George Cottnam, captain lieutenant of the first Pensylvania regiment of artillery, ||was read,|| requesting leave, on account of his impaired constitution, to resign his commission:[1]

Resolved, That his resignation be accepted.

A letter, of 7, from General Washington, was read:[2]

Ordered, That it be referred to the Board of War.

A letter, of 7th, from the committee of arrangements, was read;[3] Whereupon,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 209.
[2] This letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 341.
[3] This letter is in the *Papers of the Continental Congress*, No. 33, folio 263.

Congress proceeded to the election of a commander of the horse, and the ballots being taken,

John Cadwallader, Esq[r] was unanimously elected.

Resolved, That a commission be granted to John Cadwallader, Esq. appointing him brigadier and commander of the cavalry in the service of the United States.

A letter, of 27 and 31 August, from Governor Trumbull was read:[1]

Ordered, That it be referred to the Board of War.

On motion, *Ordered*, That the paper signed Adam Ferguson, dated 26 August, with the papers transmitted with it, and the resolution of Congress of the 4th instant, respecting the convention of Saratoga, be published.

Resolved, That a committee of five be appointed to confer with the hon. Mons[r] Gérard, minister plenipotentiary of France, respecting the future operations of the French fleet under command of the Count d'Estaing, and report to Congress:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [William Henry] Drayton, Mr. S[amuel] Adams, Mr. [William] Duer, and Mr. R[obert] Morris.

The committee to whom was referred the letter, of 26 August, from Count d'Estaing, brought in a draught of an answer, which was read and agreed to:

Ordered, That it be signed and forwarded by the President to the Count d'Estaing.

Congress resumed the consideration of the report of the committee on the arrangement of the Board of Treasury, and, after some time spent thereon, the further consideration was postponed to the afternoon.

[1] This letter is in the *Papers of the Continental Congress*, No. 66, I, folio 410.

THREE O'CLOCK, P. M.

A letter, of this day, from the Chevalier de Fayolle, was read:[1]

Ordered, That it be referred to the Board of War.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and after some time spent thereon,

Ordered, That the further consideration thereof be postponed.

A letter, of the 2d, from General Sullivan, was read.[2]

Ordered, That it be referred to the Board of War.

The committee on the letters from Mr. Blaine and Mr. Hollingsworth brought in a partial report, and desired leave to sit again.

Ordered, That the said report be taken into consideration to morrow, and that the committee have leave to continue to sit on the business.

Ordered, That Mr. [Titus] Hosmer have leave of absence.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, SEPTEMBER 11, 1778.

A letter, of this day, from J. M'Kinley, Esq. and an extract from the minutes of the privy council of the State of Delaware, were read.[3]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to the officers and privates of Colonel Nicola's regiment of invalids, their pay from the month

[1] This letter is in the *Papers of the Continental Congress*, No. 43, folio 77.

[2] This letter is in the *Papers of the Continental Congress*, No. 160, folio 181.

[3] The letter is in the *Papers of the Continental Congress*, No. 70, folio 663; the Council minutes, dated Steptember 2, are on folio 659.

of July last, and subsistence in lieu of rations for the officers for the same time, 940 8/90 dollars:

That there is due to Thomas Fitzsimons, his pay as commissioner of claims, from 12 of April to 27 August, 1777, 548 dollars:

That there is due to William Dodd, for his service as express, rider, from the 3d October, 1776, to the 31 October, 1777, as more fully appears by a particular state, filed with his account, a balance of 370 30/90 dollars:

That there is due to the Rev. Mons. Lotbinier, his pay and subsistence as chaplain to Colonel James Livingston's regiment, from the 11 August to 10th of September, inclusive, 60 dollars:[1]

Ordered, That the said accounts be paid.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pensylvania, for twenty thousand dollars, and another on William Armistead, Esq. commissioner of the continental loan office in the State of Virginia, for thirty thousand dollars, in favour of Colonel Baylor, being for the purchase of arms, horses and accoutrements for the use of the armies of the United States: for which sums, amounting to 50,000 dollars, the said Colonel Baylor is to be accountable:

That a Warrant issue on the Treasurer in favor of the Honorable Titus Hosmer, Esqure, one of the Delegates of the State of Connecticut, for Six Hundred Dollars advanced upon his application, the said State to be accountable.

That a warrant issue on the treasurer in favour of Colonel John Cox, assistant quarter master general, for three million five hundred thousand dollars, for the use of the

[1]This report is in the *Papers of the Continental Congress*, No. 136, II, folio 543.

quarter master general's department, and for which Major General Greene, quarter master general, is to be accountable:

And an other Warrant in his favor on Thomas Smith, Esquire, Commissioner of the Continental Loan Office in the State of Pennsylvania, for five Hundred Thousand Dollars; both which Sums amounting to four Millions of Dollars are for the use of the Quarter Master General's Department, and for which Major General Greene, Quarter Master General is to be accountable.

Negatived

That a warrant issue on the treasurer for three million dollars, in favour of Jeremiah Wadsworth, Esq. commissary general of purchases, for the use of his department, and for which he is to be accountable:

That a warrant issue on the treasurer in favour of Joseph Hewes, for one thousand dollars, in discharge of a bill of John Ashe, Esq. treasurer of the State of North Carolina, in favour of John Easton, dated May 9, 1777, for that sum, being in part of the sum of 500,000 dollars heretofore granted by Congress for the use of that State, and for which the said State is to be accountable:

That a warrant issue on the treasurer in favour of Joseph Hewes for six hundred and sixty-seven and forty-five ninetieth dollars, in discharge of a bill of Richard Caswell, Esq. governor of the State of North Carolina, in favour of Joseph Leech, Esq. for that sum, dated 19 June, 1777, expressed to be for "value received of him in part of the expences of horses, carriages and other necessaries, furnished Brigadier du Portail, under the character of Colonel d'Erford and his party, to enable them to prosecute their journey from North Carolina to the Continental Congress;" and for which the said Brigadier du Portail is to be accountable:

That a Warrant issue on the Treasurer in favor of the Honorable the Delegates of the State of Pennsylvania, for one Hundred Thousand

Dollars, it being advanced on a requisition of the General Assembly of that State of the 5th instant, and for which the said State is to be accountable.[1]

Ordered, That a warrant issue on the treasurer in favour of Mr. Elbridge Gerry, one of the delegates of the State of Massachusetts Bay, for 1200 dollars, advanced upon his application; for which the said State is to be accountable.[2]

Resolved, *unanimously*, That it is essential to the interest and honor of the United States, that a minister plenipotentiary be, without delay, appointed to represent these states at the court of France.

Resolved, *unanimously*, That to morrow be assigned for electing a minister plenipotentiary at the court of France.

Congress took into consideration the report of the committee on the letters from Colonel Hollingsworth, and Colonel Blaine, &c: Whereupon, Congress came to the following resolutions:

Whereas Congress, by their resolution of 13 January, made a requisition to General Sir William Howe, then commander in chief of his Britannic majesty's forces in America, for passports to American vessels to transport provisions and fuel for the use of the prisoners of the convention at Boston, declaring, at the same time, that, if the said requisition was not complied with the prisoners under the convention should be removed to such parts of the State of Massachusetts Bay as they could be most conveniently subsisted in; which requisition has not been complied with, nor measures adopted on the part of the British generals, to send timely and sufficient supplies for the use of the said troops; whereby great injury has been

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 539.

[2] This report, dated September 10, is in the *Papers of the Continental Congress*, No. 136, II, folio 547. Two paragraphs are printed under September 17, *post*.

sustained by the United States; and particularly by the inhabitants of the town of Boston:

Resolved, That Major General Heath, with the concurrence of the council of the State of Massachusetts Bay, be authorized to remove the prisoners, under the convention of Saratoga, to such parts of the State of Massachusetts bay, as they can be most conveniently subsisted in.

Resolved, That application be made to Sir Henry Clinton for passports to American vessels to transport provisions and fuel to Boston for the use of the prisoners under the convention of Saratoga; the said passports to be subject to such restrictions as shall be agreed on between the Generals Washington and Sir Henry Clinton; and that General Washington be directed to inform General Clinton, that if such passports be not granted, [within three days after application made,][1] or measures adopted by him for sending to the port of Boston ample supplies of provisions and fuel for the convention prisoners, on or before the 5th day of October, Congress will deem themselves justified in removing the said prisoners to such parts of the United States as they can be best subsisted in.

Ordered, That certified copies of this resolution, and of the resolution of the 13th January last, and of the 4th September inst. relative to the troops of the convention of Saratoga, be transmitted to General Clinton.

Resolved, That the measure recommended by General Washington, of forming magazines at convenient places, removed from the sound, in the States of Massachusetts bay and Connecticut, is expedient:

That General Washington be informed, that Congress have given orders for the purchase of 20,000 barrels of flour, to be transported by water for that purpose; and that he be authorized and directed to fix on the places

[1] Inserted by Henry Laurens.

where the said magazines shall be established, and to give the necessary orders to the quarter master general and commissary general for carrying this resolution into execution.

Resolved, That it be submitted to the consideration of General Washington, whether a considerable part of the cavalry now with the army, can, in the present seat of the war, be employed with an utility adequate to the great expence and difficulty which occur in supplying them with forage; and if he shall be of opinion that the duty of the whole, or any part of them, may be dispensed with at camp,[1] that he be directed to order such of the cavalry as he shall deem proper, to such parts of these states as they can be best subsisted in.

That all officers of the army, not authorized by the resolutions of Congress, or by the special permission of the Commander in Chief, to keep horses, be prohibited, though at their own expence, from keeping any horse or horses within forty miles of the main body of the army, and that General Washington be desired to appoint proper officers to see this order carried into strict execution, and to bring to trial all offenders against it.

Whereas Congress have received information that several persons in the State of Maryland have eluded the embargo on provisions, by loading flour on board vessels, and obtaining a clearance for tobacco:

Resolved, That it be earnestly recommended to the governor and council of the State of Maryland, to take measures for preventing the embargo being eluded, by this and such other practices, which, in the opinion of Congress, are highly injurious to the general welfare.[2]

[1] From this point to the words "highly injurious to the general welfare" the entries in the Journals are in the writing of Thomas Edison.

[2] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 19, VI, folio 249.

The delegates from Delaware laid before Congress a letter, of 8, from Cæsar Rodney, Esq. president of the State of Delaware, with sundry papers enclosed, relative to a complaint against Count Pulaski:

Ordered, That the same be referred to the committee directed to enquire into the state of the legion commanded by Count Pulaski:

Congress took into consideration the report of the committee appointed, in conjunction with a committee of the council of Pensylvania, to ascertain the property of goods, wares, and merchandise, &c. ||in possession of the inhabitants of the city of Philadelphia, at the time it was evacuated by the enemy;|| and, after some time spent thereon,

Ordered, That the further consideration thereof be postponed.

THREE O'CLOCK, P. M.

A letter, of 5, from Baron Steuben, was read:[1]

Ordered, That it be referred to the Board of War.

Congress took into consideration the report of the committee on the memorial of Captain Harper, and after some progress made therein,

Ordered, That the further consideration thereof be postponed.

SEPTEMBER 11th, 1778.

The Committee of Commerce report: That a warrant issued on the Treasurer in their favour for two thousand two hundred and thirty nine dollars and 7 90ths to enable them to pay a balance due by the Secret Committee to Gerard William Beekman & Co. for freight and demurrage due to them on the Ship *Mary*, Captain Kennedy, chartered by the said Committee on public account.[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 164, folio 146.

[2] This report, in the writing of is in the *Papers of the Continental Congress*, No. 31, folio 189.

SEPTEMBER 11, 1778.

The Committee of Commerce, having taken into consideration a Letter from M[r] Stephen Steward of Maryland, dated the 5[th] September, 1778, beg leave to report thereon:

That in their Opinion the Sum of Two Thousand Dollars should be transmitted to M[r] Steward to enable him to purchase a Cable and some Running Rigging for the Ship *Chase*.

That it would be improper to purchase the Ship *Defence* on the Public Account.[1]

Adjourned to 9 o'Clock to Morrow.

SATURDAY, SEPTEMBER 12, 1778

A letter, of this date, from Mr. R[esolve] Smith, was read:

Ordered, That it be referred to the committee appointed to prepare a manifesto on the injurious treatment our prisoners and faithful citizens receive from the enemy, and that the committee be directed to confer with Mr. Smith, and report respecting him.

Resolved, That Mr. [William Henry] Drayton be added to the committee appointed to confer with Major General Arnold:

That Mr. [Samuel] Chase be added to the committee appointed to confer with the Minister of France.

A letter, of 2, from Major General Heath, at Boston, was read, informing of the enemy's fleet appearing off that harbour.[2]

On motion, *Resolved*, That Captain Nathaniel Falconer be appointed superintendent of the presses for striking bills of credit, bills of exchange, and loan office certificates, in addition to those already elected.

[1] This report, in the writing of is in the *Papers of the Continental Congress*, No. 31, folio 193.

[2] This letter is in the *Papers of the Continental Congress*, No. 157, folio 194.

The committee on the memorial from E. Blaine and the letter from Colonel Hollingsworth, brought in a further report; Whereupon,

Resolved, That the quarter master general be directed to order the commissary of forage to give immediate directions to his deputies and assistants not to purchase any wheat for forage, except in the vicinity of camp, unless in cases of absolute necessity; and when such cases arise, that the reasons for deviating from this order be transmitted to the commissary of forage, and by him submitted to the opinion of the quarter master general.

Resolved, That the commissary general of purchases be directed to give orders to his deputies and assistants, forthwith to deliver to the commissary of forage, and his deputies, the bad wheat and offals of wheat, which they at present have, or hereafter may have, in their respective possession; and further, that the said commissary general issue orders to the purchasers to be careful not to purchase, in future, damaged wheat, as the same is found by experience, extremely injurious, even for the purposes of forage.

Resolved, That the quarter master general be directed to consult with the Commander in Chief, whether a reduction of the stationary teams cannot be made consistently with the good of the service, or whether ox-teams cannot, in the present seat of war, be substituted in a great measure for horse-teams; and if General Washington shall be of opinion that both or either of these measures are advisable, that the quarter master general take measures for carrying the same into execution, in such manner as shall be deemed most consistent with the good of the army, and a regard to public Œconomy.[1]

[1] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 19, VI, folio 271.*

Ordered, That the committee have leave to continue to sit on the business.

The Board of War, to whom was referred the letter, of the 2, from General Sullivan, having reported thereon, Congress took the report into consideration and thereupon,

Resolved, That the governments of the states of Connecticut, Massachusetts bay, and New Hampshire, be requested, on the application of General Sullivan, [with the concurrence of the legislature or council of war of Rhode Island and Providence Plantations,] to call out of their respective states such number of militia as he shall require, in cases of great emergency, to check the ravages of the enemy, or to repel any invasion they may attempt into any of the eastern states.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. A[ndrew] Adams, one of the delegates of the State of Connecticut, for 1600 dollars, advanced upon his application, for which the said State is to be accountable:

That a warrant issue on the treasurer in favour of Mr. Jonathan Elmer, one of the delegates of the State of New Jersey, for 500 dollars; for which the said State is to be accountable:[2]

Congress resumed the consideration of the report of the committee on the memorial of Captain Harper, and after some time spent thereon,

Ordered, That the further consideration thereof be postponed.

Adjourned to 9 o'Clock on Monday.

[1] This report, dated September 12, and prepared by Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 255. The words in brackets were added by Henry Laurens. A vote of 10 ayes and 2 noes is noted by Thomson.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 551.

MONDAY, SEPTEMBER 14, 1778

A letter, of 8, from James Johnston, was read, returning thanks for the honor done him in appointing him an auditor of accounts in the army; also one, of the same day, from Messrs. Clark and Johnston, auditors, was read.

A letter, of 8, from Brigadier Wayne, and one, of the 7th, from the field officers of the 1st Pensylvania regiment, were read, requesting that the Rev. Robert Blackwell, chaplain of the first Pensylvania brigade, be continued surgeon to the regiment aforesaid:

Ordered, To lie on the table.

A letter, of 13, from Baron d'Arendt, was read:[1]

Ordered, That it be referred to the Board of War.

A letter, of 11, from Mr. S. Deane, was read.

Congress proceeded to the election of a minister plenipotentiary to the court of France, and the ballots being taken,

Dr. Benjamin Franklin was elected.

Resolved, That a committee of five be appointed to prepare a letter of credence to his most Christian majesty, notifying the appointment of Dr. Franklin, minister plenipotentiary of these States at the court of France:

That the said committee also prepare a draught of instructions to the minister plenipotentiary:

The members chosen, Mr. G[ouverneur] Morris, Mr. [Samuel] Chase, Mr. [William Henry] Drayton, Mr. S[amuel] Adams, and Mr. R[ichard] H[enry] Lee.

Ordered, That the letters of credence, received through the hands of the minister of France and the Count d'Estaing, be referred to the said committee.

[1] The letter of Johnston is in the *Papers of the Continental Congress*, No. 78, XIII, folio 93; that of Clark and Johnston is in No. 78, V, folio 205; that of Wayne is in No. 161, folio 333, and the Pennsylvania officers' letter, on folio 217. The letter of Arendt is in No. 78, VII, folio 209.

Congress took into consideration the letter from Mr. Deane, and after some time spent thereon,

Ordered, That the further consideration thereof be postponed.

THREE O'CLOCK, P. M.

A letter, of 11, from Colonel Beatty, commissary general of prisoners, was read:[1]

Ordered, That so much of the said letter as relates to John Connolly, be referred to the Board of War, and what relates to the exchange of French prisoners, be referred to the Marine Committee.

A letter, of 6, from Colonel J. Wadsworth, at Baltimore, was read:

Ordered, That it be referred to the committee on the memorial from Colonel Blaine and the letter from H. Hollingsworth.

The Marine Committee laid before Congress a letter of 2, from J. Bradford, which was read, informing of the arrival of the brig *General Gates* and her two prizes, the schooner *Polly* and brig *Montague*, and of the death of Captain Skimmer, commander of the *General Gates*, who was killed in an engagement with the *Montague*, and leaving a widow with eleven children, only two of them able to provide for themselves:

Ordered, That it be referred to the Marine Committee, and that they be directed to report what provision, in their opinion, ought to be made for the widow and children of Captain Skimmer.

Congress took into consideration the letter of the 11, from John M'Kinley, Esq. late president of the State of Delaware, soliciting to be exchanged for William Frank-

[1] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 181. The letter of Wadsworth is in No. 78, XXIII, folio 561.

lin, Esq. and the minutes of the privy council of the State of Delaware: Whereupon,

A motion was made || to resolve,||

"That Congress consent to the exchange of William Franklin, Esq[r] late governor of New Jersey, for John M'Kinley, Esq. late president of the State of Delaware, agreeable to the proposition of General Sir Henry Clinton:"

In lieu of which the following resolution was moved by way of amendment:

Whereas Hugh Wallace, Esq. one of the counsel under the crown of Great Britain, of the late colony, now State of New York, was, amongst other persons in the said State, disaffected to the liberties of America, made prisoner by General Washington, Commander in Chief of the army of the United States, with the concurrence of the legislature of the State of New York, and sent under his parole into the State of Connecticut; and whereas, the said Hugh Wallace having been permitted by his Excellency Jonathan Trumbull, Esq. governor of the State of Connecticut, to go into the city of New York on his parole, to return when demanded by him or General Washington, has, on a requisition made by General Washington to the said Hugh Wallace to return and surrender himself agreeably to his parole, refused to comply with the same, and has been countenanced in such refusal by the officer commanding in New York. Inasmuch, therefore, as it is essentially necessary to the prosecution of this war upon equal principles, that measures should be adopted for compelling persons who are prisoners under parole within the lines of the enemy, and who refuse to return, to abide by those principles of good faith and personal honour, which are observed by those who are permitted to return on their parole within the American lines:

Resolved, that John M'Kinley, Esq. late president of the State of Delaware, who has been made prisoner by the British forces, ||and who|| has been permitted to return on parole within the American lines, in order to solicit an exchange for William Franklin, Esq. late governor of New Jersey, be not permitted to return within the British lines, in order to surrender himself on his parole, till such time as the said Hugh Wallace, Esq. shall surrender himself on his parole to General Washington, or be exchanged for the said John M'Kinley, Esq. and all officers in the service of the United States are hereby ordered not to suffer the said John M'Kinley to pass within the enemy's lines.

On which amendment, the yeas and nays being required by Mr. [William] Duer,

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. A. Adams,	no	no
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
Pennsylvania,		
Mr. Morris,	no	no
Roberdeau,	no	
Clingan,	no	
Delaware,		
Mr. M'Kean,	no	no
Van Dyke,	no	
Maryland,		
Mr. Plater,	no	no
Forbes,	no	
Henry,	no	
Virginia,		
Mr. Harvie,	no	no
R. H. Lee,	no	
Griffin,	no	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	no	
Williams,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	no	
Mathews,	ay	
Georgia,		
Mr. Walton,	no	no
Telfair,	no	
Langworthy,	no	

So it passed in the negative.

The question being then divided, and, the yeas and nays being required by Mr. [William] Duer, so far as respects the exchange of W. Franklin,

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. A. Adams,	ay	ay
New York,		
Mr. Lewis,	no	no
Duer,	no	
G. Morris,	ay	
Pennsylvania,		
Mr. R. Morris,	ay	ay
Roberdeau,	no	
Clingan,	ay	
Delaware,		
Mr. M'Kean.	ay	ay
Van Dyke,	ay	
Maryland,		
Mr. Plater,	ay	ay
Forbes,	ay	
Henry,	ay	
Virginia,		
Mr. Harvie,	ay	ay
R. H. Lee,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Mathews,	no	
Georgia,		
Mr. Walton,	no	no
Langworthy,	no	

So it was resolved in the affirmative.

A motion was then made ||in the second clause|| to strike out the words "John M'Kinley, Esq. &c." to the end of the sentence, and insert "Brigadier W. Thompson;" and the yeas and nays being required by Mr. [William] Duer,

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. A. Adams,	no	no
New York,		
Mr. Duer,	ay	div.
G. Morris,	no	
Pennsylvania,		
Mr. R. Morris,	no	no
Roberdeau,	ay	
Clingan,	no	
Delaware,		
Mr. M'Kean,	no	no
Van Dyke,	no	
Maryland		
Mr. Plater,	no	no
Forbes,	ay	
Henry,	no	
Virginia,		
Mr. Harvie,	ay	ay
R. H. Lee,	no	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	ay
Drayton,	ay	
Mathews,	ay	
Georgia,		
Mr. Walton,	no	div.
Langworthy,	ay	

So it passed in the negative.

On the question put to agree to the latter clause, resolved in the affirmative.

A letter, of 12, from General Washington, enclosing the copy of one of 10th, from Major General Sullivan, was read.[1]

Adjourned to 9 o'Clock to Morrow.

TUESDAY, SEPTEMBER 15, 1778

Ordered, The copy of the letter of 10th, from Major General Sullivan, be referred to the Committee of Intelligence.

[1]The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 351.

A report of the committee on General Washington's letter, relative to Baron Steuben, which was referred to General Washington, being returned, with the General's observations thereon, the same were read:

Ordered, That the report and observations be referred to the committee of arrangement, and that they be directed to prepare a plan of regulations for the inspectorship, agreeable to the said report and observations.[1]

A petition of Robert Wooldridge was read.[2]

A letter from Lieutenant Colonel Klein, was read, returning thanks for the honour done him in appointing him to the command of the German volunteers.

A letter of this day, from Baron d'Arendt, was read, taking leave of Congress.[3]

A petition of Catharine Pennington, relict and administratrix of Miles Pennington, captain of marines on board the *Reprisal*, ship of war, was read:

Ordered, That it be referred to the Marine Committee.

A letter, of 5, from Major General Heath, was read.[4]

The Marine Committee brought in a report; Whereupon.

Ordered, That the Marine Committee lay before Congress this afternoon, a list of the captains and lieutenants of the continental navy, and of the ships and vessels to which such as are employed are affixed.

Another letter, of the 12, from General Washington, with a report of a board of general officers enclosed was read:[5]

Ordered, That the same be referred to the committee appointed to confer with the Minister of France.

[1] See under August 20, 1778, *ante*.

[2] This petition is in the *Papers of the Continental Congress*, No. 42, VIII, folio 179.

[3] Klein's letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 483; that of Arendt is in VII, folio 213.

[4] This letter is in the *Papers of the Continental Congress*, No. 157, folio 198.

[5] This letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 355; the report is on folio 359.

THREE O'CLOCK, P. M.

Congress resumed the consideration of the report of the report of the committee on the arrangement of the treasury; Whereupon,

Resolved, That such parts of the said report as relate to a confederal fund, and to the mode of issuing and accounting for loan office certificates, be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [Elbridge] Gerry, and Mr. A[ndrew] Adams.

On motion the question put, That there be but one chamber of accounts: and the yeas and nays being required by Mr. [William] Duer,

Masachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	no	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. A. Adams,	ay	ay
New York,		
Mr. Lewis,	ay	div.
Duer,	no	
New Jersey,		
Mr. Witherspoon,	ay	ay
Pennsylvania,		
Mr. Roberdeau,	no	no
Reed,	no	
Delaware,		
Mr. Van Dyke,	ay	ay
Maryland,		
Mr. Plater,	no	no
Forbes,	ay	
Henry,	no	
Virginia,		
Mr. Harvie,	no	no
R. H. Lee,	ay	
Griffin,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	ay	
Williams,	no	
South Carolina,		
Mr. Laurens,	ay	div.
Mathews,	no	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	ay	

So it was resolved in the affirmative.

Resolved, That the chamber consist of three.

The committee to whom was referred the letter of the president of the State of Delaware, directed to the delegates of the said State, brought in a report: Whereupon,

Resolved, That John Hooper and James Murray, two soldiers in General Pulaski's legion, having been charged with committing a robbery on the property of James Chandler, a citizen of the State of Delaware, be sent, under a proper guard, to Wilmington, in the said State, there to be delivered to John Lea, Esq. or any other magistrate, to be dealt with according to law; and that General Pulaski give orders for carrying the same into effect.[1]

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, SEPTEMBER 16, 1778

A letter, of this day,[2] from Joseph Nourse, was read, renewing his application for leave to resign his office of secretary of the Board of Ordnance, and treasurer of the Board of War and Ordnance, and signifying the necessity he is under of going to Virginia in three weeks: ||Whereupon,||

Ordered, That Wednesday, the 23 instant, be assigned for electing a secretary of the Board of Ordnance, and treasurer of the Board of War and Ordnance, and that then Mr. Nourse have leave to resign.

A letter, of 14, from three officers of the *Mermaid*, was read:

Ordered, That it be referred to the Marine Committee.

A letter, of 19th August, from the council of New Hampshire, with sundry papers enclosed, relative to the

[1] The last two paragraphs were entered on the Journals by Thomas Edison.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 59.

conduct of the inhabitants of the New Hampshire grants, stiling themselves "the state of Vermont," was read:[1]

Ordered, That the same be referred to a committee of the whole.

Resolved, That Congress, on Friday next, in the afternoon, be resolved into a committee of the whole, to take into consideration the foregoing papers, and other papers heretofore received relative to the conduct of the said inhabitants.

A letter, of 31 July, and one of 3 September, from the council of Massachusetts bay, were read, relative to the resolution of 8 April, 1777, recommending the erecting a monument to the memory of Major General Warren:[2]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [John] Witherspoon, and Mr. R[ichard] H[enry] Lee.

The Committee, to whom were referred the Letters of July 31st and Sept. 3d, from the Council of Massachusetts Bay, relative to the Family of the late Major General Warren, beg leave to lay before [Congress] the following state of Facts:

That the late Major General Warren, having for some time before his Death devoted his whole Attention to the Service of his Country, left a small Fortune so Encumbered with Claims, that after a Settlement of the Accounts, the Value of the Estate will not at the highest Computation Exceed One thousand Pounds lawful.

That the General left behind him four Children, two Sons and two Daughters.

That the Education of the Eldest Son, being directed to be at the Expence of the United States by a Resolution of Congress of the [April 8, 1777,] is at present under the Care of the Reverend Mr. Payson, who has not been paid for the Charge of his Education.

[1] This letter and enclosures are in the *Papers of the Continental Congress*, No. 40, I, folio 157.

[2] The letter of September 3 is in No. 65, I, folio 352.

That the Eldest Daughter, of 12 Years of Age, is at present with a Family at Boston, which will probably at a future Day Expect a Compensation for the Care and Expense of her Education.

That the second Son lives with his Grandmother in the Country, and though at the Age of Eight Years is scarcely instructed in the Knowledge of the Alphabet.

That the Youngest Daughter, being Six Years of Age, has since the Death of her Father been brought up under the Care of a Lady, the intimate Friend of General Warren, who having but a bare Competency for herself, laments the Necessity she must soon be under of sending her to the Country, where her Education must be totally neglected.

From which State of Facts, your Committee taking into Consideration the Important Services rendered by Major General Warren to the Cause of America, and by his gallant Fall in Defense of the Liberties of the United States, his Family is bereft of the Support and Attention of a Virtuous Parent, Submit to the Consideration of Congress the following Resolution, Viz^{t}.

That the Second Son, and two Daughters of the late Major General Warren, be educated in a manner suitable to the Rank and Character of the Father, at the Expense of the United States; till the Son shall attain the Age of Twenty one, and the Daughter of Eighteen Years respectively.

That Dr. John Warren, Executor of the late Major General Warren be authorised and requested to superintend their Education, and to make quarterly Drafts on the Treasury of the United States for the Expences incident to the same, transmitting to the Board the necessary Accounts.

That when the Son and Daughters shall have attained the respective Ages above mentioned, they be authorised to receive out of the public Treasury thousand Pounds lawful Money of Massachusetts Bay, to Enable them to set up in some Genteel Profession for their future Maintenance and Support.

That the Council of the State of Massachusetts Bay be requested to Enquire what Expences have necessarily accrued in maintaining the Sons and Daughters above mentioned, since the Death of the General, in order that the same may be refunded out of the public Treasury to the Persons who have advanced the same.

That a Warrant issue on the Treasury in favor of the Council of the State of Massachusetts Bay, for One hundred and Sixty Pounds four

shillings, in order to Enable them to discharge the several accounts exhibited to them for the Education of the Eldest Son of General Warren, to the 20th Day of July last, and that the said Council be authorised to make quarterly Drafts on the Treasury of the United States for the Expence of the Education of the Eldest Son of General Warren, transmitting to the Board of Treasury the necessary Accounts.[1]

Ordered, That the committee be instructed to take into consideration other resolutions of Congress, similar to that mentioned in the foregoing letters, and report on them also.

A letter, of 3, from J[ames] Warren, Esq. member of the navy board, at Boston, and directed to the Committee of Commerce, was read, informing of the arrival of 56 bales of blankets, on Board the schooner *Tabby:*[2]

Ordered, That it be referred to the Board of War.

The committee to whom was referred the letter of the 12, from General Washington, with the report of the board of general officers, brought in a report.

Resolved, That General Washington be informed that Congress highly approve of his laying up magazines of forage and provisions at such places as he shall think proper for prosecuting an expedition into Canada in the winter, if the motions of the enemy shall render this measure expedient; and that the General be desired to make every preparation of clothing, and new shoes, and other articles for this purpose, which he shall deem necessary.[3]

[1] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 19, VI, folio 155. There is no record of its presentation to Congress, and it is endorsed "1780," probably referring to the action taken by Congress on the motion presented July 1, 1780, by Robert R. Livingston.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 555.

[3] This motion, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 13, I, folio 14a. It bears a note by Charles Thomson: "To be entered on a secret Journal and the house under an injunction of secrecy, September 16, 1778."

Congress resumed the consideration of the letter of the 11, from Mr. Deane; Whereupon, a motion was made,

That Mr. Deane be directed to attend Congress on Friday morning next, to answer such questions as the members may propose to him, for the better understanding of the state and progress of public affairs during his mission in France.

An amendment was moved to strike out "members," and insert the word "house;"

And the yeas and nays being required by Mr. [Samuel] Chase,

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry, excused, not being present at the debate,		
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	no	div.
Elmer,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	div.
Clingan,	no	
Delaware,		
Mr. Van Dyke,	ay	ay
Maryland,		
Mr. Chase,	ay	ay
Plater,	ay	
Forbes,	ay	
Henry,	ay	
Virginia,		
Mr. Harvie,	ay	ay
R. H. Lee,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Mathews,	ay	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	ay	

So it was resolved in the affirmative.

Question put on the motion as amended:
Resolved in the affirmative.
Adjourned to 9 o'Clock to Morrow.

THURSDAY, SEPTEMBER 17, 1778.

A letter, of 15, from the Board of War, was read.

A letter, of 16, from Mr. J[oseph] Reed, one of the committee of arrangement, was read:[1]

Ordered, That it be referred to the Board of War.

A letter, of 15, from Charles Bradish, and one of 16, from John Stoddard, officers of the *Mermaid*, were read:

Ordered, That they be referred to the Marine Committee.

A letter, of 16, from James Caldwell, was read.

Ordered, That one million of dollars be advanced to General Mifflin, late quarter master general, for which he is to be accountable; and that he be directed to render an account of all such sums as are now due from the late quarter master general, in order to their being paid.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury.

On motion, *Resolved*, That the resolution fixing the number of the chamber of accounts be re-considered.

Resolved, That the report, with the amendments made, be referred to a committee of five:

The members chosen, Mr. R[obert] Morris, Mr. [John] Witherspoon, Mr. G[ouverneur] Morris, Mr. [Samuel] Chase, and Mr. R[ichard H[enry] Lee.

[1]The letter of the Board of War is in the *Papers of the Continental Congress*, No. 147, II, folio, 259.

THREE O'CLOCK, P. M.

A letter, of 17th, from Brigadier Count Pulaski, was read:[1]

Ordered, That an extract of the letter of 12th, from General Washington, relative to sending forward to the army the confederal troops in Philadelphia be referred to the Board of War.

A report from the Board of War being brought in, the same was read; Whereupon,

AT A BOARD OF WAR, *September 16, 1778.*

General Washington, having desired that all the Troops in this City, should be forwarded to camp without delay, the Board beg leave to report,

Resolved, That Brigadier Count Pulaski be ordered to march with his legion to Trenton, without delay, there to receive the further orders of the Commander in Chief.[2]

Congress resumed the consideration of the report of the Committee on the Treasury, of the 10th; Whereupon,

Resolved, That forty eight thousand dollars, the residue of a warrant for 300,000 dollars, issued the 12th day of February last, in favour of the delegates of the State of Pensylvania, be now paid to the said delegates, to be by them transmitted to the president and council of the said State, and for which the State is to be accountable.[3]

Ordered, That a warrant issue on the treasurer in favour of the delegates of the State of Pensylvania, for fifty-two thousand dollars, to be by them transmitted to the presi-

[1] This letter is in the *Papers of the Continental Congress*, No. 164, folio 13. It is endorsed: "Received in Congress when the treasury business was asked for."

[2] This report, in the writing of Duer, is in the *Papers of the Continental Congress*, No. 147, II, folio 263.

[3] In the original report this sum was to be used for the purchase of "flour, &c." or clothing "in consequence of a requisition of the 5th instant made by the General Assembly of that State."

dent and council of that State; for which the said State is to be accountable.[1]

In consequence of an adjustment by the commissioners of claims, the auditor general made a report; Whereupon,

Ordered, That there be paid to John Hartman, for intertaining four Indians at Reading, about six weeks, by order of the Hon. John Hancock, the sum of 307 3/90 dollars:

That there be paid to Francis Johnston, for translating a French letter into English, by order of the president of Congress, the sum of 20 dollars:

That there be paid to Isaac Vanest, for a log of lignum vitæ, for two rollers for a rolling-press, the sum of 120 60/90 dollars:

That there be paid to Francis Hopkinson, Esq. for compiling an index to the first and second volumes of the Journals of Congress, 200 dollars.[2]

||*Ordered*, That the said sums be paid.||

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Thomas Franklin, for 2000 dollars, in discharge of a bill of his excellency Richard Caswell, governor of North Carolina, on the continental treasurer, for that sum, in favour of Andrew Blanchard, dated May 1, 1778, and expressed to be "on account of tanned leather, deer skin, and shoes, purchased in pursuance of a resolution of Congress of 25 November last;" for which the State of North Carolina is to be accountable:[3]

[1] This report, dated September 10, is in the *Papers of the Continental Congress*, No. 136, II, folio 547.

[2] In the last paragraph the grant was first put at 466 60/90 dollars, but on question, was reduced. The report, dated September 14, is in the *Papers of the Continental Congress*, No. 136, II, folio 555.

[3] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 367.

That a warrant issue on the treasurer in favour of Mr. John Williams, one of the delegates from the State of North Carolina, for five hundred dollars, advanced on his application; the said State to be accountable:

That, upon the application of the Board of War and Ordnance, a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the said Board, for 100,000 dollars, to answer the contingent charges thereof; for which the said Joseph Nourse is to be accountable:[1]

That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for 500,000 dollars, to be by him transmitted to Benjamin Stelle, deputy pay master at Rhode Island; and that a copy of this resolution be sent to Ebenezer Hancock, Esq. deputy pay master general at Boston; who is to be accountable:

Whereas it is represented by the auditors of the army, that many regimental pay masters have adopted the unwarrantable practice of paying to the commanding officers of companies, agreeable to the recommendations of the colonels or commanding officers of their regiments respectively, such sums of money as the said regimental pay masters have drawn for, but not paid to, prisoners, deserters, and men who have died in the service:

Resolved, That, until the sums of money so paid by the regimental pay masters, shall be reimbursed and paid into the hands of the pay master or deputy pay masters general, such commanding officers of regiments shall be accountable for the moneys which they have so ordered to be paid, the commanding officers of companies for the moneys so received, and the regimental pay masters for the money so paid by them respectively; and the audi-

[1] This report, dated September 16, is in the *Papers of the Continental Congress*, No. 136, II, folio 565.

tors of the army are authorized and directed forthwith to oblige the said officers to account, agreeable to the mode prescribed by the resolution of Congress of the sixth February last.[1]

An account of the moneys expended by the cloathier general was laid before Congress:

Ordered, That it be referred to the Board of Treasury.

Resolved, That Wednesday next be assigned for taking into consideration the department of the cloathier general.

Resolved, That on Saturdays and Wednesdays Congress meet at ten, and sit till three o'clock, P. M.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, SEPTEMBER 18, 1778

A letter and memorial from Dr. J. Morgan, were read:[2]

Resolved, That a committee of three be appointed in pursuance of the resolution of the 9 August, 1777:

The members chosen, Mr. [William Henry] Drayton, Mr. [John] Harvie, and Mr. [John] Witherspoon.

On motion, that the committee be empowered to send for persons and papers:

Passed in the negative.

Ordered, That the foregoing letter and memorial be referred to the said committee.

A letter, of 14 July, from John Sandford Dart, deputy cloathier general in South Carolina, with two invoices enclosed, was read:

Ordered, That it be referred to the Committee of Commerce.

[1] This report, dated September 15, is in the *Papers of the Continental Congress*, No. 136, II, folio 559.

[2] This petition, dated September 17, is in the *Papers of the Continental Congress*, No. 41, VI, folio 51. The letter is in No. 63, folio 117.

The Committee of Commerce report,

That there is now on board the brig *Braxton*, 117 hogsheads of tobacco, shipped on freight for account and risqe of the United States; that the said tobacco hath been shipped upwards of a year, and that the vessel was detained by the British frigates the greatest part of that time, and the rest by means, first of springing a leak, and secondly, by a stroke of lightning, which dismasted and disabled the vessel from proceeding: that the Continent is liable to make good the damages as insurers, and to pay a heavy demurrage as freighters;

That the owners of said brig being offered a price for this vessel and cargo as she lies, which they think will make them compensation, offer to discharge the Continent from the charter, provided the committee sell them the 117 hogsheads of tobacco on board the said brig, at five pounds Virginia currency per cent. which the committee think adviseable; Whereupon,

Resolved, That the Committee of Commerce be authorized to make sale of 117 hogsheads of tobacco on board the brig *Braxton*, to the owners of the said brig, on the terms proposed in the above report, and to receive payment for the same, on account of the United States; for which the said committee [is] to be accountable.[1]

Resolved, That Monday next be assigned for taking into consideration the reports of the Committee of Commerce.

A report from the Board of War was read; Whereupon,

Resolved, That Mons. Bechet de Roche Fontaine be appointed a captain in the corps of engineers, and that his commission be dated the 15 day of May last.[2]

[1] This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 31, folio 191.

[2] This report, dated September 18, and prepared by Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 257.

~~Congress resumed the consideration on the motion on the letter of 11th from Silas Deane, Esq. which was under debate, when Congress rose on Wednesday last; to which an amendment was moved. After debate, the hour of adjournment being come, Congress rose.~~

THREE O'CLOCK, P. M.

A letter, of 15, from Mr. Beatty, commissary general of prisoners, with sundry papers enclosed, was read.

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [John] Witherspoon, and Mr. [Henry] Marchant.

A letter, of 8 July, from Governor Clinton, of the State of New York, was read.[1]

The committee to whom were referred the letters from the Hon. Arthur Lee, Esq. of 6th, 15, and 31 January, 1778, and the letter of 16 January, 1778, from the Hon. Benjamin Franklin and Silas Deane, brought in a report, which was read; Whereupon,

A member in his place informed the house, that he had information that Mr. Carmichael had charged Mr. Deane with misapplication of the public money, &c.

Being called upon to reduce this information to writing, he delivering in a writing, as follows:

"R. H. Lee is informed that Mr. Carmichael did some time in the last spring or winter say in Nantes that he knew Mr. Deane had misapplied the public money, and that Mr. Carmichael did in strong terms reprobate Mr. Deane's conduct both in his public and private character: That Mr. Carmichael said an open rupture had taken place between Mr. Arthur Lee and the gentlemen at Passy; that they had come to a resolution to do business

[1] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 173.

without consulting Mr. Lee on any occasion, and that he (Mr. Carmichael) knows the excuse will be made to Congress that the French ministry have desired it, tho' he does not doubt that desire has arose from Mr. Deane's insinuations. That Mr. Carmichael condemned Mr. Deane's conduct towards Mr. Lee and was pointedly severe in reprobating the system and measures that he had pursued in his public character, and which he said he would fully unfold when he came to America."[1]

Ordered, That the report of the committee lie on the table.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, SEPTEMBER 19, 1778

A letter, of 18, from John Connolly, was read:[2]

Ordered, That it be referred to the committee on the letter of 15, from Mr. Beatty.

A letter, of 13, from Mons. la Neuville, was read:

Ordered, To lie on the table.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of James Mease, Esq. cloathier general, for fifty thousand dollars for the use of his department: for which he is to be accountable.[3]

Congress took into consideration the affairs of the treasury and finance; whereupon the committee on finance having made their report, the same was read:

[1] The original of this statement, in the writing of Richard Henry Lee, is in the Library of Congress, *United States Revolution*, IV.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, V, 213. With it is a letter to John Hancock, without date, offering to make discoveries.

[3] This report, dated September 18, is in the *Papers of the Continental Congress*, No. 136, II, folio 569.

Your Committee to whom it was referred to consider and Report on the Currency and Finances of these United States, beg Leave to Report:

1st That in the Opinion of your Committee it will be proper to negotiate as soon as possible a Loan of five Millions Sterling in Europe.

Agreed 29 Sept.

2. That it will be proper to borrow twenty Million Dollars on Loan in the confederal Fund at 4 per cent, one fourth redeemable in six, one in seven, one in eight, and one in nine Years, in Specie.

Postponed 29 Sept.

3. That it will be proper to borrow ten Million Dollars on Loan Office Certificates at 6 per cent Interest, payable every two Years in Europe and redeemable after 4 Years at the pleasure of Congress either with specie or paper.

Postponed 29 Sept.

Agreed 6 Oct.

4. That it will be proper to call on the several States to pay in their Quotas of ten Million Dollars.

5. That it will be proper to promise to the Public that all Bills paid in on Loan of Denominations less than eight Dollars shall be destroyed.

Postponed 6 Oct.

6. That it will be proper to issue Orders to the Treasurer and others whom it may concern to cause all Bills which by Resolutions of Congress are redeemable in the Year 1780 to be destroyed.

Postponed 6 Oct.

Disagreed 6 Oct.

7. That the future Emissions of Moneys should be in Bills not less than 40 Dollars and upwards to 100 Dollars.

8. That all Limitations of Prices of Gold and Silver be taken off.[1]

See amendment.

Postponed. Second amendment Agd. 9th.

9. That the States be called on for permanent Funds to the Amount of two Million Dollars annually for ten Years as a sinking Fund.

10. That a Poll Tax be laid throughout America of ½ Doll. per Head on all Inhabitants, to be mortgaged also as a sinking Fund until the final Payment of the continental Debt.

11. That a Duty of two per cent be laid on Commodities imported, and that all Duties whatever imposed by the several States for regulating their Trade or otherwise be paid to the Continent as a sinking Fund as aforesaid.

[1] Against this paragraph was written "Postponed by Massachusetts the 7th. Question for postponing, ay and no, negatived; on main question, ay."

12. That the Sum of be taken for Postage of letters at the Post Office, and that the Produce of the Revenue thereof be also applied in like manner.

13. That the Emissions of the several States be cried down as a Currency and loan office Certificates issued for the Amount.

14. That the States be charged with the Sums paid them with the Amount of their Emissions and their Quotas and credited for all their Advances to the United States the Accounts to be adjusted and Interest charged on the Balances at 6 per cent from the 1st Day of January, 1779.

15. That it be declared to the several States that they do not advance any Monies for Account of the United States after the 1st Day of November, next.

16. That the several States be called on to prohibit all private Banks and Lotteries, and to covenant that they will not erect any State Banks or Lotteries.

On the above positions your Committee State the following Estimates:

	Dlls.
1st Jany., 1779 circulating medium	100, 000, 000
To 1st Jany., 1780 Expences	20, 000, 000
	120, 000, 000

Bills of Exchange for what remains of 5,000,000 Stg. and what Subsidies may be advanced after paying our Debts in Europe	Dlls. 40, 000, 000	
On Confederal Fund	20, 000, 000	
Loan Office Certificates	10, 000, 000	
Quota of the States	10, 000, 000	
		80, 000, 000
Remains circulating Medium 1st Jany., 1780		40, 000, 000

	Dlls.
Debt by Loan Office Certificates already and by absorbing the Several State Emissions and Debts	30, 000, 000
On Confederal Loan	20, 000, 000
On Loan Office Certificates in 1779	10, 000, 000
Debt besides 5,000,000 Stg. Jany., 1780	60, 000, 000

	Dlls.	Dlls.
Interest on 30,000,000 dollars @ 6 per cent		1,800,000
Interest on 20,000,000 Dollars @ 4 per cent		800,000
Interest on 10,000,000 Dlls. @ 6 per cent		600,000
Yearly interest of the Debt 1st Jany., 1780		3,200,000
Produce of the Poll tax	1,500,000	
2 per cent	500,000	
Post office		
	2,000,000	
Deduct for contingencies	500,000	
		1,500,000
States for the sinking Fund		2,000,000
		3,500,000

In the above State no notice hath been taken of the Loan of 5,000,000 Stg. in Europe, so far as relates to the Interest; wherefore your Committee proceed to state their Opinions relative to the same.

They propose that the several States having large uncultivated Territory, beyond what is in their Power to govern, be called on to cede the same to the United States on the following Terms.

1st That the present Value of the Territory be estimated and compared with the present value of the Territory now cultivated or the private Property of Individuals, and a deduction made in the Apportionment of the Expences of the War from the Quota of such State, both the Value and Expences to be fairly estimated.

2. That it be covenanted with the States that the Lands set off shall be erected into separate independent States, to be admitted into the Union, to have a Representation in Congress, and to have free Governments in which no Officers shall be appointed by Congress, other than such as are appointed through the other States.

3. That a Negotiation be set on Foot with the Monarchs of France, Spain and Portugal, to pay or secure the Payment of the Interest of our Loan.

4th That it be attempted to borrow 5,000,000 Stg. in the following Manner, viz.

That a Tract of Territory containing from twenty to forty Millions of Acres be set off within natural Boundaries, and divided into 10,000 Shares or Lots.

That every Person subscribing for £500 Stg. be entitled to a Share, as follows, viz., that if at the End of ten Years Congress shall not pay him £1000 Stg. he shall thereafter in his Option take his Share of the said Lands in Fee; and if the same shall not then be worth 1000 Stg. that he be entitled to the Deficiency which shall be on loan at 5 per cent.; and if Congress at the end of ten years shall tender the Money, and he shall not think proper to accept it, then it shall at his Option be at Loan at 4 per cent redeemable in 5 Years.

That an Office be opened for the Transaction of the Business of the said Loan, and that if any Sales be made of the Lands, the same shall be for Sterling Money, to be paid into the said Office in specie, there to remain as a future Security to the Persons who shall have subscribed as aforesaid; of all which records shall be kept for the Inspection of Persons interested and their Agents.

5th That if the above Method shall not be found expedient or productive of a sufficient Sum, then that it be attempted to borrow 5,000,000 Stg. in the following Manner, viz.

That another Tract of Territory containing from twenty to forty Millions of Acres be in like Manner as above set off and divided.

That Subscriptions be taken from 500 Stg. and upwards, the persons so subscribing to receive 4 per ct. Interest and the Principal to be redeemable in four yearly Payments after ten Years.

That upon Default of Payment the Party have Right to so much Land within the said Boundaries as shall be of full Value of the Debt due to him, to hold the same in Fee.

That an Office be opened, and on Sales the Money deposited as above.

6thly That if neither of the above Methods shall be found expedient or snfficiently productive, then that it be attempted to borrow 6,000,000 Stg. in the following manner, viz.

That every Person subscribing thereto shall be entitled to receive 5 per cent Interest and the public Faith of the United States pledged for Redemption of the Principal in four yearly Payments after ten Years.

7thly That in order to expedite the Loan the several Propositions abovementioned be set on Foot together, and as the latter Mode may be preferred, and also as the Loan Office Certificates will require Sums in Europe for Interest, that the Negotiation with France, &c. be for the Interest of 5,000,000 Stg. or 120,000,000 Livres at 6 per cent, or 7,200,000 Livres or 8,000,000 Livres annually for ten Years to be repaid by the United States after that Period. And in order to lay

the Foundation of the above Business with Certainty and Despatch, that two Committees be appointed, one to go to the Northward and one to the Southward to negotiate with the Legislatures on the following Points.

1st To accede to the Confederation.

2nd To the above Propositions relative to Lands.

3rd To the several Propositions relating to a sinking Fund.

4th To the cancelling the several State Emissions and a Covenant not to issue more.

5th To the Propositions relating to Lotteries and Banks, and that when the several Propositions abovementioned are agreed to or any of them, that it be referred to a Committee to reduce the same properly to Resolutions.

All which is submitted.[1]

Resolved, That sixty copies of the said report be printed for the use of the members, and that the printer be under an oath not to divulge any part of the said report, nor to strike off more than sixty copies, and to deliver to the secretary of Congress the said copies, together with the proofs and unfinished sheets.[2]

Resolved, That the members of the house be enjoined not to communicate the report or any part of it, without leave of the house.

~~An amendment was moved after "any part of it" to insert "except to the assemblies of the respective States."~~

A letter, of this day, from the Board of War was read, with a letter of the 17, from Thomas Bradford, deputy commissary of prisoners.[3]

Ordered, That so much of the letter from Mr. Bradford as relates to prisoners taken at sea, be referred to the Marine Committee:

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 25, I, folio 55. A printed copy, from which all figures were omitted, to be filled in in writing, is in No. 26, folio 25.

[2] This paragraph, in Thomson's writing, is noted on a Treasury report in the *Papers of the Continental Congress*, No. 136, II, folio 569.

[3] The letter of the Board of War is in the *Papers of the Continental Congress*, No. 147, II, folio 269.

That so much of the said letter as relates to Mr. Frank's refusal to supply British prisoners with wood or necessary cloathing, be referred to the Board of War.

A report from the Board of War was read, respecting the mode of supplying our prisoners in the hands of the enemy, from time to time, with money:

At a Board of War, *September 18, 1778.*

Present, M^r^ Peters, M^r^ Pickering.

Congress having directed this Board to report a plan for the payment of the Sums, which may from time to time be due to Officers and Soldiers of the United States, for their pay and rations while in captivity, we beg leave to report:

That the Commissary General of prisoners be furnished with Money, from time to time by the Treasury Board, for the purpose of subsisting the Officers and Soldiers of the United States, while in captivity, and in the actual possession of the Enemy, and to accommodate them with sufficient Sums on account, to defray their travelling expenses, to their homes or Regiments.

That the accounts of all prisoners, who shall hereafter be released from captivity, for the pay and subsistence due to them, while in the actual possession of the Enemy, be received and adjusted by the said Commissary General, who, after charging them with the Monies he shall have supplied them, shall certify the Sums due thereon, to the Pay master General, the deputy pay master General of any Military department, or Pay master of the Board of War and Ordnance, as shall be most convenient for the prisoners respectively, which sums shall be paid by the said paymasters upon Warrants to be given therefor as usual for other payments by them made.

That the accounts of all prisoners heretofore released from Captivity, for their pay and subsistence while in the actual possession of the Enemy, and of all prisoners whatsoever, for all matters previous and subsequent thereto, be and they are hereby directed to be settled by the Commissioners of Accounts at Camp, or those where Congress shall sit, according to the convenience of the Prisoners respectively, each Board communicating their Settlements to the other to prevent malpractices or mistakes.

That all officers, while they continue prisoners on parole, shall receive their pay and subsistence, of the paymaster General, or deputy

pay master General of the department in or nearest to which they reside, by warrant from the Commander in Chief or General officer commanding in the department, or of the paymaster to the Board of War and Ordnance, by warrant from the Board, these subordinate Pay masters to transmit accounts monthly, to the Pay master General of all such payments.

That for defraying the expenses of officers and soldiers released from captivity, on their way home, or to join their regiments, the said Commissary General of Prisoners and Commissioners of Accounts respectively, in settling the accounts aforesaid make an allowance of one Day's Pay and rations for every twenty Miles such Officers and Soldiers had or have to travel to their homes, in case of the expiration of their time of service, or release on parole, or, if otherwise, to join the Regiments.

That the Pay master General, and other persons, having already paid or advanced Monies, to Prisoners, send accounts thereof, immediately to the aforesaid Commissioners of Accounts.

That the Commissary General of Prisoners be allowed a Clerk, to enable him to perform the extra duty above assigned him, to assist him in the usual business of his department, and perform the duties and receive the pay and rations of a deputy Commissary of Prisoners.[1]

Ordered, That the consideration thereof be postponed.

The President laid before Congress the letters which he had received some time ago, and of which he had informed Congress upon the receipt thereof and afterwards, when he desired to know the sense of the house concerning them, as some of them were not directed to him as President, but as delegate from South Carolina, and all contained matters of private as well as public nature, and of which Congress declined to receive extracts:

Ordered, That they be read.

The same were read, and are as follows:[2]

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 265. It is endorsed as passed January 9, 1779.

[2] This paragraph, in Thomson's writing, is noted on a Treasury report in the *Papers of the Continental Congress*, No. 136, II, folio 569.

A letter, of 24 November, 1777, from A. Izard:

One of 16 February, 1778, from hon. Ra. Izard, Esq. enclosing copy of his letter of 28 January, to Dr. Franklin, Dr. Franklin's answer of 29, and his reply 30th, of the same month:[1]

A letter, of 1 March, 1778, and one of 1, and one of 11 April [1778], from the same:

Ordered, That they lie on the table.

Adjourned to 9 o'Clock on Monday.

MONDAY, SEPTEMBER 21, 1778

A letter, of 1st, from his Excellency Governor Clinton, of the State of New York, with sundry papers enclosed, was read.

Another of 9th, from the same, was read, intimating a desire to be informed of the sentiments of Congress respecting his conduct as commander of the forts on the banks of Hudson's river, which were taken by the enemy, and desiring to be furnished with certified copies of the report of the court of enquiry, &c.[2]

Ordered, That Governor Clinton be furnished with copies of the papers desired, and that the President inform Governor Clinton that Congress are well satisfied with the propriety of his conduct as commander of the forts on Hudson's river.

A letter, of 10, from Major General Heath, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Elbridge] Gerry, Mr. [William] Duer, and Mr. [John] Harvie.

[1] These letters are printed in Wharton, *Revolutionary Diplomatic Correspondence*, II, 477–480, 497, 547.

[2] These letters of Governor Clinton are in the *Papers of the Continental Congress*, No. 67, II, folios 130 and 134.

A letter, of 19th, from Colonel [Michael de] Kowats, was read:

Ordered, That it be referred to the Board of War.

A letter, of 19, from James Mease, Esq. cloathier general, was read,[1] requesting the favour of Congress to choose, as soon as they conveniently can, some suitable person in his stead for that office:

Ordered, To lie on the table, till the affairs of the cloathier's department are taken into consideration.

A delegate from Maryland read in his place, an extract of a letter from the governor of that State, respecting the measures taken, or to be taken, for cloathing the continental troops, and particularly those of that State; also a delegate from Pensylvania laid before Congress an extract from the minutes of the assembly of that State, desiring to be informed "whether Congress have on hand a sufficient quantity of cloathing for the troops for the ensuing winter:"[2] Whereupon,

Ordered, That the Board of War lay before Congress an account of the cloathing on hand, and the measures by them taken for supplying the continental troops the ensuing winter.

In pursuance of a recommendation by the Board of Treasury,

Resolved, That Mr. Benjamin Armitage be appointed to superintend the making of paper for loan office certificates and bills of exchange.

The committee to whom was referred the letter of 23 June, from Major General Howe, having brought in a report, the same was taken into consideration; Whereupon,

[1] Kowats's letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 487; that of Mease, in XV, folio 381.

[2] These extracts are in the *Papers of the Continental Congress*, No. 69, I, folio 553.

That the present situation of the State of Georgia by reason of the frequent inroads and depredations of the Floridans and Indians is truly alarming and render it absolutely necessary for the security of the said State, that the Military force raised for the defence and support thereof be kept up and paid in Continental Currency.

It further appears to your Committee, that the State of Georgia hath made large emissions of Currency far beyond their ability for the support of the Continental Troops, and other emergencies arising from their situation as a Barrier State, that the paper currency now in circulation in said State greatly exceeds any medium on which the value of paper currency can support any credit, and the considerable depreciation which has happened has fallen in a great measure on the officers and soldiers of the United States, who thereby have suffered uncommon hardships. To remedy the evils of this depreciation and to alleviate the sufferings of the soldiery, all which have happened before the State of Georgia could procure supplies of Continental currency, your Committee are therefore of opinion, that the immediate establishment of a Military Chest in the said State is absolutely necessary, and that it should be as regularly supplied as the service may require.

Your Committee therefore recommend the following resolutions.

Resolved, That a warrant issue on the treasurer in favour of Joseph Clay, Esq. deputy pay master general in the State of Georgia, for one million of dollars, for the purpose of establishing a military chest in the said State, and that it be forthwith transmitted to him by the Board of War; he to be accountable.

~~And, whereas it appears to your Committee that it may frequently happen from the great distance, that the Military Chest may be expended, and that several sums of money may also be wanted for the support of the departments of the deputy Commissary, the deputy Clothier General, and the deputy Quarter Master General in the said State, be it therefore Resolved that the Deputy pay master General be empowered to pay such sum or sums as may be wanted for said officers, each of them respectively to be accountable, and delivering in a proper Account of their expenditures at the time of payment; and the more effectively to enable the Deputy pay master General to perform this service, he is hereby authorized to draw on the Continental Treasury, from time to time, for such sum or sums as may be requi-~~

~~site for the said purposes, transmitting with such Bills a regular Account of the expenditures, and also an Account of the expenditure at the end of every month, that may be made out of the monies sent or hereafter to be sent him.~~

Your Committee also remark, that they do not think themselves as competent to ascertain, what share of prizes taken by the Continental Troops and Gallies under the command of Colonel Elbert, may belong to General Howe, as the Board of War. They therefore are of opinion that the determination thereof be referred to that Board.[1]

Ordered, That so much of General Howe's letter, as relates to what share of the prizes taken by continental troops may belong to the commander of the said troops, be referred to the Board of War.

Application being made by the delegates of South Carolina for an advance of 50,000 dollars, for that State:

Ordered, That it be referred to the Board of Treasury.

A motion being made, that the Board of War do appoint a suitable person to proceed immediately to Trenton, or wherever the legion under the command of Count Pulaski may be, and cause the said legion to be mustered, selecting such non-commissioned officers and privates as shall, upon due enquiry, be found to have been prisoners or deserters from the enemy; that such non-commissioned officers and privates be not permitted to proceed to the army, but return to Philadelphia, and there deliver up their horses, arms and accoutrements to the quarter master general and commissary of military stores, the men to be disposed of as Congress may hereafter direct:

On motion, that the consideration thereof be postponed,

The yeas and nays being required by Mr. [Joseph] Reed,

[1] This report, in the writing of Edward Telfair, is in the *Papers of the Continental Congress*, No. 19, III, 201. It is endorsed "15. Ordered for the 16th."

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. A. Adams,	no	no
New York,		
Mr. Lewis,	no	div.
Duer,	ay	
New Jersey,		
Mr. Witherspoon,	no	no
Pennsylvania,		
Mr. Roberdeau,	no	no
Reed,	no	
Clingan,	no	
Maryland,		
Mr. Chase,	ay	div.
Plater, excused		
Henry,	no	
Virginia,		
Mr. Harvie,	ay	ay
R. H. Lee,	ay	
Griffin,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Georgia,		
Mr. Telfair,	no	no
Langworthy,	no	

So it passed in the negative.

An amendment being moved, ‖ and after debate, ‖

Ordered, That the motion and amendment be referred to a committee of three, and that they be directed to report to morrow;

The members chosen, Mr. [Joseph] Reed, Mr. [James] Lovell, and Mr. [John] Witherspoon.

Ordered, That Mr. [Edward] Telfair and Mr. [John] Williams be added to the committee on the memorial from the Marquis de Britigny.

An appeal from the judgment of a court of admiralty for the State of New Jersey, on the libel "Timothy Shalor, versus sloop *Speedwell*," was lodged with the secretary, and referred to the Committee of Appeals.

The Committee of Commerce beg leave to report to Congress, That it is their opinion fifteen thousand Hhds. of Tobacco should be purchased on public Account; that ten thousand Hhds. thereof be

purchased in Virginia, and five thousand in Maryland; that the Commercial Committee be Impowered to appoint one or more agents in each State to purchase the Tobacco; that these Agents return a monthly manifest of their purchases, mentioning the Prices, warehouses where lodged, marks, numbers, &c. &c.; that Dollars be advanced the said Agents to begin purchase, and such farther sums from Time to Time as may appear to be necessary.

That Dollars may also be advanced, for the purchase of a Cargoe of Flour for the Ship *Chase*, ordered by Congress to be laden for the Eastern States.[1]

Adjourned to 9 o'Clock to Morrow.

TUESDAY, SEPTEMBER 22, 1778

A letter, of 19, from General Cadwallader, was read, expressing the highest sense of the honour conferred upon him by Congress, in appointing him a brigadier, with the command of the cavalry, but informing "them" that he cannot consent to enter into the service at this time, as the war appears to him to be near the close:[2] Whereupon,

Ordered, That Monday, 3 October, be assigned for electing a commander of the horse.

A letter, of 26 February, from Major General R. Howe, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of this day, from Mr. S. Deane, was read, accompanied with two accounts of Mons. le Grand.

Whereas information hath been given to Congress, from which it is probable that William Carmichael, Esq. is possessed of a knowledge of the conduct of the Hon. Silas

[1] This report, in the writing of a clerk, save the last paragraph, which was added by Francis Lewis, is in the *Papers of the Continental Congress*, No. 31, folio 237. It is endorsed: "Laid on the table by Mr. Lewis, 29 August. Of great importance for Monday, 21 September." No action in Congress appears in the Journals.

[2] The letter of Cadwallader is in the *Papers of the Continental Congress*, No. 78, V, folio 221.

Deane, Esq. late commissioner at the court of Versailles, touching the application of the public monies of these United States, and other matters relating to his public character:

Resolved, That the said William Carmichael be directed to attend at the bar of the house this afternoon, to be examined in the premises.

Whereas certain dissentions, detrimental to the public service, are said to have existed among the American commissioners in Europe:

Resolved, That the said William Carmichael be also examined, touching the said dissentions, and the conduct of the said commissioners, as far as the same may have come to his knowledge.

Ordered, That the consideration of the letter of the Hon. Silas Deane, Esq. be postponed until the examination of William Carmichael, Esq. is taken, and that Mr. Deane be informed thereof.[1]

THREE O'CLOCK, P. M.

On motion, *Resolved*, That Mr. Carmichael be examined upon oath; that Mr. Secretary take down in writing, the questions propounded and the answers given to them.

A motion was made, that the form of the oath be,

"You swear that you will true answers make to all such questions as shall be propounded to you by this house, so help you God."

To this an amendment was moved, that the form of the oath be,

"You swear that the evidence you shall give to this house, concerning the matters now in question, shall be the truth, the whole truth, and nothing but the truth. So help you God."

[1] These resolutions, in the writing of Gouverneur Morris, are in the *Papers of the Continental Congress*, No. 31, folio 179.

Another amendment was moved,

"You shall declare what you know of the conduct of the honourable Silas Deane, Esquire, late commissioner at the court of Versailles, touching the application of the publick moneys of these United States, and other matters relating to his publick character; and also what you know of certain dissentions detrimental to the publick service, said to exist among the American commissioners in Europe; and of the conduct of the said commissioners. You shall tell the truth, the whole truth, and nothing but the truth. So help you God."

Question put on the last amendment, and the yeas and nays being required by Mr. [Samuel] Chase,

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. A. Adams,	no	no
New York,		
Mr. Lewis,	ay	ay
Duer,	no	
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	no	no
Pennsylvania,		
Mr. R. Morris,	no	no
Roberdeau,	no	
J. Smith,	no	
Clingan,	no	
Maryland,		
Mr. Chase,	no	no
Plater,	no	
Forbes,	no	
Henry,	no	
Virginia,		
Mr. Harvie,	no	no
Banister,	no	
R. H. Lee,	ay	
Griffin,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Mathews,	no	
Georgia,		
Mr. Walton,	no	no
Telfair,	no	
Langworthy,	no	

So it passed in the negative.

The question was then put on the first amendment, the yeas and nays being required by Mr. A[ndrew] Adams,

New Hampshire,			
Mr. Bartlett,	ay	ay	
Massachusetts Bay,			
Mr. S. Adams,	ay	div.	
Gerry,	no		
Lovell,	ay		
Holten,	no		
Rhode Island,			
Mr. Marchant,	no	no	
Connecticut,			
Mr. A. Adams,	ay	ay	
New York,			
Mr. Lewis,	ay	no	
Duer,	no		
G. Morris,	no		
New Jersey,			
Mr. Witherspoon,	ay	ay	
Pennsylvania,			
Mr. R. Morris,	no	div.	
Roberdeau,	ay		
Jas. Smith,	no		
Clingan,	ay		
Maryland,			
Mr. Chase,	no	no	
Plater,	no		
Forbes,	no		
Henry,	no		
Virginia,			
Mr. Harvie,	no	no	
Banister,	no		
R. H. Lee,	ay		
Griffin,	no		
North Carolina,			
Mr. Penn,	no	no	
Harnett,	no		
Williams,	no		
South Carolina,			
Mr. Laurens,	ay	no	
Drayton,	no		
Mathews,	no		
Georgia,			
Mr. Walton,	no	no	
Telfair,	no		
Langworthy,	no		

So it passed in the negative.

Question was then put on the main question, the yeas and nays being required by Mr. G[ouverneur] Morris,

New Hampshire,			
Mr. Bartlett,	no	no	
Massachusetts Bay,			
Mr. S. Adams,	no	ay	
Gerry,	ay		
Lovell,	ay		
Holten,	ay		
Rhode Island,			
Mr. Marchant,	ay	ay	
Connecticut,			
Mr. A. Adams,	no	no	
New York,			
Mr. Lewis,	ay	ay	
Duer,	ay		
G. Morris,	ay		
New Jersey,			
Mr. Witherspoon,	no	no	

Pennsylvania,		
Mr. R. Morris,	ay	ay
Roberdeau,	no	
James Smith,	ay	
Clingan,	ay	
Maryland,		
Mr. Chase,	ay	ay
Plater,	ay	
Forbes,	ay	
Henry,	ay	
Virginia,		
Mr. Harvie,	ay	ay
Banister,	ay	
R. H. Lee,	no	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Mathews,	no	
Georgia,		
Mr. Walton,	ay	no
Telfair,	no	
Langworthy,	no	

So it was resolved in the affirmative.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, SEPTEMBER 23, 1778

The President having communicated some intelligence he received last night, relative to the motions of the enemy, and certain resolutions being thereupon moved,

Ordered, That the same be referred to a committee of five:

The members chosen, Mr. [William Henry] Drayton, Mr. [Joseph] Reed, Mr. R[ichard] H[enry] Lee, Mr. [William] Duer, and Mr. S[amuel] Adams.

A letter, of 5 August, from Captain [Christian] Senf, directed to his excellency the president of South Carolina, relative to the colours of Lieutenant General Burgoyne's army, was read:

Ordered, That it be referred to the committee appointed on the 22 November last.

A letter, of 18 August, from Major General R. Howe, was read:[1]

Ordered, To lie on the table.

The Marine Committee, to whom was referred the letter of 2, from Mr. J. Bradford, report, that, upon enquiry, they find Captain Skimmer, late commander of the continental brig *General Gates*, to have been a brave and worthy officer; that he lost his life in a severe engagement with the enemy, and that he has left a widow and 11 children, nine of whom are too young to be capable of getting their livelihood; and therefore it is their opinion that, in consideration of the above circumstances, the eastern navy board, be directed to supply 400 dollars annually, in quarterly payments, for the support of Captain Skimmer's widow and his nine youngest children, and that this provision be continued for three years:

Resolved, That Congress agree to the report of the committee.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Colonel Theodorick Bland, for 28,000 dollars, to enable him to compleat the purchase of horses, arms and accoutrements for his regiment, and for recruiting the same; the said Colonel Bland to be accountable:

That a warrant issue on the treasurer in favour of the delegates of South Carolina, for 50,000 dollars, for the use of that State, which is to be accountable:[2]

Resolved, That Mr. [Samuel] Holten be added to the Medical Committee.

[1] The letter of Senf is in the *Papers of the Continental Congress*, No. 78, XX, folio 301; that of Howe, in No. 160, folio 465.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 569.

Resolved, That Mr. A[ndrew] Adams be appointed a member of the Marine Committee, for the State of Connecticut.

Resolved, That Mr. [John] Mathews and Mr. [Henry] Marchant be added to the committee for hearing and determining appeals.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, SEPTEMBER 24, 1778

A letter, of 15, from William Palfrey, Esq. pay master general, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 17th, from Governor Johnson, of Maryland, was read.[1]

Whereas, Congress did, on the 14 of May last, grant to Ethan Allen the rank of colonel by brevet in the army of the United States of America, in reward of his fortitude, firmness and zeal in the cause of his country, manifested during the course of his long and cruel captivity, as well as on former occasions; and whereas, on the 16 day of the same month, all the benefits and privileges of a lieutenant colonel in the service of these states were granted to the said E. Allen, during the time of his late captivity; and whereas, it is represented to Congress, that Colonel E. Allen's circumstances have been greatly reduced by his late long and cruel confinement, and his brevet commission does not entitle him to pay:

Resolved, That 75 dollars per month be allowed to Colonel E. Allen, from the date of his brevet, during the pleasure of Congress, or until he shall be called into actual service.

[1] This letter is in the *Papers of the Continental Congress*, No. 70, folio 277.

The hon. the Sieur Gérard, ||minister plenipotentiary of France,|| having notified to Congress, that, pursuant to powers with which he is invested, he has appointed Mr. Martin Oster, vice consul of France in the port of Philadelphia:

Ordered, That this be referred to the Marine Committee, in order that the same be made public.

A memorial from J. Mitchel, deputy quarter master general, was read:[1]

On which sundry motions being made,

Ordered, That the said memorial and motions be referred to the committee on the memorial from Colonel E. Blaine, and the letter from Colonel H. Hollingsworth.

Ordered, That Mr. [John] Banister have leave of absence.

THREE O'CLOCK P. M.

The committee to whom were referred the motions founded on the intelligence communicated by the President, brought in a report, which was taken into consideration, and after some time spent thereon,

Adjourned to 9 o'Clock to Morrow.

FRIDAY, SEPTEMBER 25, 1778

Mr. [Thomas] Stone, a delegate from Maryland, attended, and took his seat in Congress.

The Committee of Commerce laid before Congress a letter of 18, from Mr. Stephen Steward, which was read:

Ordered, That it be returned to the Committee of Commerce, and that they be empowered and directed to act thereon as they shall judge proper.

[1] In the *Papers of the Continental Congress*, No. 59, II, folio 105, is a paper signed by Mitchell, "Some observations on the Expence and Difficulty of sending provisions from this State to the Fleet under the command of his Excellency the Count D'Estaing, now at Boston." It is endorsed as read this day.

A letter, of 24th, from S. Deane, Esq. was read, intimating, that he is informed "that letters from Mr. Izard, reflecting on his character and conduct whilst in the service of the public abroad, have been read in Congress," and requesting "to be furnished with copies thereof, and that he may be permitted to wait on Congress, and to be heard in his vindication:"

Ordered, That Mr. Deane be furnished with extracts of all such parts of Mr. Izard's letters, read in this house on the 19th, as relate to his public conduct.

A letter, of this day, from John Connolly, was read:[1]

Ordered, That it be referred to the committee on the letter of the 15th, from Colonel Beatty, commissary general of prisoners.

A letter, of 24, from Jonathan Brewer, captain lieutenant of artillery, was read:[2]

Ordered, That it be referred to the Board of Treasury.

A petition from Hezekiah Stoakes, pay master of the 8 Virginia regiment, was read:[3]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Harvie, Mr. [Henry] Marchant, and Mr. [Elbridge] Gerry.

A letter from Seth Harding was read.[4]

Congress resumed the consideration of the report under debate yesterday; Whereupon,

The Committee to whom were referred the proposition in aid of South Carolina and Georgia, report,

That whereas there is reason to believe a formidable attack is meditating by the Enemy against South Carolina, and probably against Georgia also, and every precaution ought to be taken to guard against it,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 229.

[2] This letter is in the *Papers of the Continental Congress*, No 78, III, folio 193.

[3] This petition, dated September 25, is in the *Papers of the Continental Congress*, No. 42, VII, folio 67.

[4] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 333.

~~Resolved, That His Excellency Governor Caswell be requested, with all possible despatch, to march with 3000 Men, and the State of Virginia be also requested to cause 1000 Men, comprehending the Continental troops not embodied, without loss of time, to be marched to the assistance of South Carolina and Georgia; the whole to be marched at the Continental expence and commanded by the Continental Officer intitled to the command.~~[1]

Resolved, That the executive powers of Virginia and North Carolina be requested, without loss of time, to give all possible aid to the states of South Carolina and Georgia; Virginia by marching into South Carolina one thousand men, comprehending all the continental troops in that State; North Carolina, by marching into South Carolina, 3000 men, including the levies and all the continental troops in that State: each body to be properly officered by the government embodying it. The militia and levies to continue in the service and pay of the United States for the space of five months from the time of their marching from each State respectively, if it shall be found necessary: the whole to be commanded by the continental officer entitled to command; and that their excellencies Governor Henry and Governor Caswell be requested to take the most vigorous measures to carry this resolution into full and immediate effect.

Resolved, That, in case Governor Caswell shall find it consistent with the duties of his station, and shall be inclined to march to the aid of South Carolina and Georgia, at the head of the North Carolina forces: he shall, while on this expedition, have the rank and pay of major general in the army of the United States of America.

Resolved, That the militia of South Carolina and Georgia, called forth on the present emergency, be in the pay of the United States.

[1] This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 20, II, folio 359.

THREE O'CLOCK, P. M.

Resolved, That Major General Robert Howe, be, and he is hereby directed to repair immediately to General Washington's head quarters.[1]

Resolved, That Major General Lincoln take command in the southern department; and repair immediately to Charleston, South Carolina.[1]

A motion being made to order Count Pulaski immediately to March with his legion to South Carolina,

Ordered, That the consideration thereof be postponed.

Congress resumed the consideration of the report of the Marine Committee under debate, 15th: Whereupon,

Resolved, That the new frigate building at Norwich, in Connecticut, and now nearly ready to be launched, be named the *Confederacy*.

Congress proceeded to the election of a captain of the said frigate, *Confederacy*, and the ballots being taken, Captain Seth Harding was elected.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Major William Dark, for six hundred dollars, in discharge of a bill of William Palfrey, Esq. pay master general, in favour of the said Major Dark, for that sum, dated 15 September, 1778, and expressed to be for the use of the forces of the United States of America; for which the said pay master general is to be accountable:[2]

That a warrant issue on the treasurer in favour of Alexander Baugh, for two thousand dollars, it being so much received of him by Lewis and Charles Cope, deputy commissaries, (as per their receipt appears) for James Rae,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 229.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 577.

Esq. deputy commissary general of purchases in Georgia, who is to be accountable.[1]

The Board of War, to whom was referred the letter of the Baron Steuben, relative to Mons. John Ternant, having reported thereon, Congress took into consideration their report; and whereupon,

Resolved, That Mr. John Ternant be appointed a lieutenant colonel in the service of the United States, and be ordered to repair to South Carolina forthwith, to perform the duties of inspector to the troops in the service of these states in South Carolina and Georgia: that he report his proceedings as inspector, from time to time, to the Board of War and inspector general, conforming himself to such regulations as are or shall be established by Congress for the inspector general's department; and, until he shall be duly notified of the plan of the department being arranged and confirmed by Congress, that he govern himself as near as may be by the rules and practice pursued by the Baron Steuben, during his having executed the office of inspector general with the grand army, procuring the approbation and authority of the officer commanding the troops of the United States in the said states of South Carolina and Georgia, in all matters relative to the discipline of the troops, and the police of the camps, garrisons or quarters, previous to their being put in practice by him as inspector.

Resolved, That Mr. Ternant be allowed the pay and subsistence of a lieutenant colonel from the 26 March last.[2]

Resolved, That the Marine Committee be authorized to employ a secretary for their board, on the most reasonable terms they can.

[1] This report, dated September 24, is in the *Papers of the Continental Congress*, No. 136, II, folio 571.

[2] This report, prepared by Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 277.

The Board of War brought in a report,[1] which was taken into consideration: Whereupon, Congress came to the following resolutions:

Whereas Congress, by a resolve passed on the 26th of August, 1776, made provision for commissioned and non-commissioned officers of the army and navy, as also for private soldiers, marines, and seamen, who should thereafter lose a limb in any engagement, or be otherwise so disabled in the service of the United States of America, as to render them incapable afterwards of getting a livelihood; and, whereas, divers officers, and others, have lost limbs, or been otherwise disabled as aforesaid, before the said 26th of August, to whom the like relief ought equitably to be extended:

Resolved, That all provisions and regulations contained in the said resolve of the 26th of August, 1776, shall extend to all persons who lost a limb or were otherwise disabled as aforesaid in the service of the United Colonies or States of America, before the said 26th of August, and since the commencement of hostilities on the 19th of April, 1775.

And whereas doubts may arise in some cases, whether certain persons maimed or disabled and claiming pensions, were at the time in the service of the said colonies or states: for removing the same,

Resolved, That every commissioned and non-commissioned officer and private man who, since the commencement of hostilities, as aforesaid, has been, or hereafter shall be, drawn forth for the common defence, (and not for the service of any particular State,) or who has turned out, or shall hereafter turn out, voluntarily to oppose the enemies of the said United Colonies or States, upon any

[1] From this point to the end of these resolutions the entries were made by Thomas Edison.

sudden attack or evasion, or upon any enterprize carried on under their authority, and in such service has lost or shall lose a limb, or has been or shall be otherwise disabled as aforesaid, shall be entitled to the pension allowed in the said resolve of the 26th of August, 1776; provided, that any such commissioned or non-commissioned officer or private man, being found capable of doing guard or garrison duty, shall be subject thereto, and serve in the corps of invalids when required, or on refusing so to do, shall be struck off the list of pensioners; unless the person so refusing have a family, or be otherwise peculiarly circumstanced, and the governor or president and council of the State he belongs to, or in which he resides, are of opinion an exception should be made in his favour, and an exemption granted him from such service, a certificate of which opinion he shall produce, previous to his receiving his pension.

And whereas it may happen, that many persons, maimed or disabled as aforesaid, by reason of their falling into the hands of the enemy, the deaths of their officers and surgeons, or other accidents, may not have it in their power to procure the certificates required by the aforementioned resolve, to entitle them to their pensions,

Resolved, That in such cases application be made to the governor or president and council of the State to which any person maimed or disabled as aforesaid belongs, or or in which he resides, and upon shewing to him or them satisfactory proof, that he was maimed or disabled in the manner before mentioned, and producing his or their certificate thereof, he shall be entitled to and receive a pension in like manner as if he produced the certificates required by the said resolve.[1]

[1] This report, dated September 21, and prepared by Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 273. The members present were Peters, Pickering and Duer.

Congress took into consideration a report of the Committee of Commerce respecting Messrs. Hewes, Smith, and Allen, ||and after debate,||

Ordered, That the consideration thereof be postponed, and that the Committee of Commerce be directed to call on Mr. Hewes to produce an account of the continental property that came into his hands as commercial agent, and how the same has been disposed of.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, SEPTEMBER 26, 1778

Ordered, That Mr. W. Carmichael be directed to attend at the bar of this house on Monday afternoon at three o'clock, to be examined, touching the matters set forth in the resolutions of 22d.

Ordered, That Tuesday afternoon be assigned for hearing the hon. Silas Deane, and that he be notified to attend on that day at three o'clock.

A letter, of 26, from Colonel George Morgan, was read.

Ordered, That the consideration thereof be postponed to Monday next.

A letter, of 25, from Messrs. John and Alexander Wilcox, was read;[1] Whereupon,

Congress resumed the consideration of the report of the committee appointed, in conjunction with a committee of the executive council of Pensylvania, to determine the property of goods, wares and merchandise, &c. ||after debate,||[2]

Resolved, That the state of facts reported by the committee of Congress, in conjunction with the committee

[1] The letter of Morgan is in the *Papers of the Continenial Congress*, No. 163, folio 305; that of Wilcocks is printed in *Pennsylvania Archives*, VI, 754.

[2] From this point, to the end of the day, the entries were made by Belcher P. Smith.

appointed by the Supreme Executive Council of the State of Pennsylvania, be submitted to a committee of three:

The members chosen, Mr. [Joseph] Reed, Mr. G[ouverneur] Morris, and Mr. [James] Smith.

A letter, of the 24, from Mr. John Wharton, requesting leave to resign his office as member of the navy board for the middle district was read:[1]

Resolved, That his resignation be accepted.

Ordered, That the resolution of yesterday, relative to pensions, be published.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury; Whereupon Congress entered into the following resolutions:

Resolved, That a house be provided, at the city or place where Congress shall sit, wherein shall be held the several offices of the treasury:

That there be the following offices, viz., the comptroller's, auditor's, treasurer's, and two chambers of accounts:

That each chamber of accounts consist of three commissioners and two clerks, to be appointed by Congress:

That in the treasurer's office there be a treasurer annually[2] appointed by Congress, and one clerk appointed by the treasurer:

That in the auditor's office there be an auditor annually[2] appointed by Congress, and two clerks appointed by the auditor:

That in the comptroller's office there be a comptroller annually[2] appointed by Congress, and two clerks appointed by the comptroller:

That the auditor, treasurer, and comptroller shall not be appointed unless by the voice of nine states, and that that they be accountable for the conduct of their clerks respectively:

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 565.

[2] The word "annually" was added in Congress.

That the auditor shall receive all accounts brought against the United States for money lent, expended, or advanced; goods sold or purchased; services performed or work done, with the vouchers, and shall refer them to one of the chambers of accounts, endorsing them in the manner marked A:

That the commissioners of the chamber to whom an account shall be referred shall deliver the same to their clerks, to be properly stated:

That the clerks shall state the accounts referred to them by the commissioners, number and arrange the vouchers, examine the castings, and make necessary copies:

That the clerks, to whom an account shall be delivered, after they have compleated the same, shall endorse it in the manner marked B:

That the commissioners to whom an account is referred as aforesaid, shall carefully examine the authenticity of the vouchers, (rejecting such as shall not appear good,) compare them with the articles to which they relate, and determine whether they support the charges; that they shall reduce such articles as are overcharged, and reject such as are improper, and shall endorse the accounts in the manner marked C, and transmit them, with the vouchers, to the auditor, and cause an entry to be made of the balances passed:

That the auditor shall receive the vouchers and accounts from the commissioners to whom he referred them, and cause them to be examined by his clerks. He shall compare the several articles with the vouchers, and if the parties concerned shall appeal from the judgment of the commissioners, he shall call before him the commissioners and the party, and hear them, and then make determination, from whence no appeal shall lie, unless to Congress. That after a careful examination of the account as afore-

said, he shall endorse it in the manner marked D, of which endorsement he shall send a duplicate, to be filed in the same chamber of accounts, and shall transmit the account and vouchers to the comptroller:

That the comptroller shall keep the treasury books and seal, and shall file all the accounts and vouchers on which the accounts in the said books are founded, and shall direct the manner of stating and keeping the public accounts. He shall draw bills under the said seal, on the treasurer, for such sums as shall be due by the United States, on accounts audited, [which, previous to the payment, shall be countersigned by the auditor,][1] and also for such sums as may, from time to time, be ordered by resolutions of Congress, [which previous to the payment, shall be countersigned by the Secretary of Congress,][1] in the form marked E. That when monies are due to the United States, on accounts audited, he shall notify the debtor, and, (after hearing him, if he shall desire to be heard,) fix a day, for payment, [according to the circumstances of the case, not exceeding ninety days,][1] of which he shall give notice to the auditor, in writing, in the form marked F.

That it shall be the duty of the treasurer to receive and keep the moneys of the United States, and to issue them on bills drawn by the comptroller as aforesaid, filing duplicates thereof with the auditor, day by day, as he shall make payment: that, on receipt of monies, he shall give a receipt therefor, and transmit the same to the comptroller; and that he shall draw out and settle his accounts quarterly, giving the same in to the auditor for examination, by one of the chambers of accounts, to be from thence transmitted, through the auditor, to the comptroller, who shall compare the same with the treasury books, ascertain the balance, and return a copy of the same to Congress; ~~that they may know what monies are in the Treasury~~.

[1] Inserted by Henry Laurens.

That the comptroller shall receive from the treasurer all receipts by him signed, and after making due entry thereof, by charging the treasurer and crediting the proper accounts, he shall endorse the same in the manner marked G, and deliver them to the party who made payment: that he shall, every quarter of a year, cause a list of the balances on the treasury books to be made out by his clerks, and lay it before Congress. That, where any person hath received public monies, which remain unaccounted for, or shall be otherwise indebted to the United States, or have an unsettled account with them, he shall issue a summons in the form marked H, in which a reasonable time shall be given for the appearance of the party, according to the distance of his place of residence from the treasury, of which he shall notify the auditor:

That, in case a party summoned to account shall not appear, nor make good essoign, the auditor, on proof made of service in due time or other sufficient notice, shall make out a requisition in the form marked I, which he shall send to the comptroller's office where the same shall be sealed, and then it shall be sent to the executive authority of the State in which the party shall reside:

That it be recommended to the several states to enact laws for the taking of such persons, and also to seize the property of persons who, being indebted to the United States, shall neglect or refuse to pay the same; notice whereof shall be given by the auditor to the executive authority of the respective states, in the form marked K, under the treasury seal:

That the several officers of the treasury do, before they take upon them the execution of their offices respectively, before the President of Congress for the time being, make and subscribe the following oath, viz.

I, A. B. , in the treasury of the United States, solemnly and sincerely swear, promise and declare, in the presence of Almighty

God, that I will, diligently and faithfully, according to the best of my skill and understanding, in all things do my duty as a , as aforesaid, without fear, favor, affection, or partiality.

Forms referred to

A. Account between the United States and with the vouchers referred to , commissioners of accounts, the day of in the year &c.

A. B. *Auditor.*

B. The within account hath been stated, the castings examined, and the vouchers arranged, by

C. D.
E. F. } *Clerks of accounts.*

C. The within account, stated by and , clerks of accounts, between the United States and hath been examined and settled, and a balance of found to be due to by

G. H.
I. K.
L. M. } *Commissioners of accounts.*

D. Audited the account between the United States and stated by and , clerks of accounts, and examined by and , commissioners of accounts, for a balance of due to Done the day of , in the year &c.

A. B. *Auditor.*

E. To the treasurer of the United States, greeting:

(L. S.) You are required to pay the sum of to or his order, according to (say either account audited, &c. &c. or a resolution of Congress, &c.) whereof entry is made the day of in the year &c.

N. O. *Comptroller.*

F. Day is given to until the day of next, for the sum of by his assent. Whereof take notice. Given the day of in the year &c.

N. O. *Comptroller.*

G. Entered in the treasury books the day of in the year &c.

N. O. *Comptroller.*

H. To Greeting: You are required, on or before the day of next, to appear before the auditor, in the treasury office of

the United States, at , then and there to adjust and settle your accounts, whereof take notice. Given the day of in the year &c.

N. O. *Comptroller.*

I. To Greeting:

(L. S.) The United States having summoned to account, the which he hath neglected to do, it is their request that you cause to be taken and sent the said to be before them, on the day of next, before the auditor in their treasury, at , then and there to account; that justice may in this behalf be done. Given the day of &c.

Witness, A. B. *Auditor.*

K. The United States to Greeting:

(L. S.) Whereas hath been, before us in our treasury, found to be indebted in the sum of , the which sum was by his assent to be paid before the day of in the year &c, but is not yet paid, or in any manner satisfied. These therefore are thereof to notify you, to the end that you, according to the powers and authorities unto you given, may of the estate of the said cause to be made the sum aforesaid, with the costs and charges which may accrue: and of your proceedings in the premises you are desired to certify us in our said treasury, with all convenient speed. Given at on the day of , &c.

Witness, A. B. *Auditor.*

That in the blanks of the forms above written, no figures be used either for dates or sums; but that the same be distinctly and plainly set in words at length, and without erazures or interlineations.[1]

Resolved, That a committee be appointed to prepare a seal for the treasury and for the navy:

That the committee consist of three.

The members chosen, Mr. [John] Witherspoon, Mr. G[ouverneur] Morris, and Mr. [Richard Henry] Lee.

The committee to whom were referred the letters of the Board of War, of the 2[1 and 29 ultimo], relative to the

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continenta Congress*, No. 26, folio 15. It is endorsed: "Laid on the table by Mr. R. Morris, Saturday, 26 September."

cannon imported into North Carolina, having brought in a report:

Resolved, That the consideration thereof be postponed to Monday next.

The Board of Treasury brought in a report; Whereupon,

Resolved, That ten million one hundred dollars be emitted in bills of credit ||on the faith|| of the United States, under the direction of the Board of Treasury:

That two new cuts be used in striking the said bills, one of the denomination of sixty, the other of fifty dollars, in place of the four and six dollar cuts of the former emissions:

That the denominations of the bills be as follows:

45,455 of the denomination of		60 dollars,	2,727,300
45,455	do.	50	2,272,750
45,455	do.	40	1,818,200
45,455	do.	30	1,363,650
45,455	do.	20	909,100
45,455	do.	8	363,640
45,455	do.	7	318,185
45,455	do.	5	227,275
			10,000,100

That the form of the bills be as follows:

No. dollars.

This bill entitles the bearer to receive Spanish milled dollars, or the value thereof in gold or silver, according to a resolution passed by Congress, at Philadelphia, September 26, 1778:

That each denomination or class of bills be numbered from the number one progressively:

That the thirteen United States be pledged for the redemption of the bills of credit now ordered to be emitted.[1]

[1] This report, dated September 25, is in the *Papers of the Continental Congress*, No. 136, II, folio 573.

Resolved, That Charles Alexander, Richard Eyres and Samuel Lyon, be appointed signers of the bills of credit, in addition to those already appointed.

Adjourned to Monday, 9 o'Clock.

MONDAY, SEPTEMBER 28, 1778

Mr. Meriwether Smith, a delegate from Virginia, attended, and took his seat in Congress.

A letter, of 21, from Captain William Burke, from on board the prison ship *Prince of Wales*, was read:

Ordered, That it be referred to the Marine Committee, and that the Committee be directed to enquire into the conduct of Captain William Burke, and particularly into his former conduct while in the power of the enemy.

A letter, of 18, from Major General Sullivan, was read:

Ordered, That so much thereof as relates to cloathing, be referred to the Board of War, and that so much thereof as relates to money, be referred to the Board of Treasury.

A letter, of 24, from Governor Livingston, was read:

Ordered, That it be referred to the Board of War.

A letter, of 26, from James Searle, one of the navy || board || in the middle district, was read, desiring leave to resign his office:

Resolved, That his resignation be accepted.

A letter, of 23, from General Washington, with sundry papers enclosed, was read:[1]

Ordered, That the same be referred to the committee on the memorial from Colonel E. Blaine, and the letter of H. Hollingsworth.

[1] Sullivan's letter is in the *Papers of the Continental Congress*, No. 160, folio 185; that of Livingston, in No. 68, folio 399; that of Searle, in No. 78, XX, folio 311; and that of Washington in No. 152, VI, folio 365.

The president laid before Congress a letter dated New York, 19th September, 1778, signed "H. Clinton," and directed to "His Excellency Henry Laurens, Esq. the president and others, the members of the American Congress, at Philadelphia," enclosing a paper purporting to be "an extract of a letter from the right Hon. Lord George Germain, one of his majesty's principal secretaries of state, to his Excellency General Sir Henry Clinton, K. B. &c. &c. dated Whitehall, June 12, 1778," which were read; Whereupon,

Ordered, That the secretary return the following answer:

Sir, I am directed to inform you, that the Congress of the United States of America make no answer to insolent letters.

I am, &c.

THREE O'CLOCK, P. M.

Resolved, That three commissioners be appointed to collect and report the proofs of breach made by the enemy in the convention of Saratoga:

That to morrow be assigned for electing the said commissioners.

Mr. Carmichael attending, was called in and sworn, and sundry questions asked and answers returned, ‖ he had leave to withdraw.‖

Ordered, That Mr. William Carmichael attend at the bar of this house on Wednesday next, at ten o'clock, to be farther examined.

Adjourned to 9 o'Clock to Morrow.

TUESDAY, SEPTEMBER 29, 1778

A letter from John Stoddard, lieutenant of the *Mermaid*, was read:

Ordered, That it be referred to the Marine Committee.

A letter, of 26 August, from Major General R. Howe, and one of 31 August, from his excellency President Lowndes, of South Carolina, were read:

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [John] Mathews, and Mr. [Edward] Telfair.

Another letter, of 5 instant, from Major General Howe, was read:[1]

Ordered, That it be referred to the foregoing committee.

The Committee on Foreign Affairs laid before Congress a letter of 26 August, from Mr. W[illiam] Bingham, at Martinique, which was read:

Ordered, That it be returned to the Committee, and that they be directed to report thereon.

A memorial from Alexander M'Nutt, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Lovell, Mr. [Henry] Marchant, and Mr. [Josiah] Bartlett.

A letter, of this day, from Lieutenant Colonel Ternant, was read:[2]

Ordered, That it be referred to the Board of War.

The committee to whom was referred the motion relative to Count Pulaski, brought in a report, which was read:

Resolved, That the Board of War be directed to request Colonel Sharp Dulany, Colonel John Bull and Lieutenant Colonel Lutterlogh, to proceed as soon as *possible* conveniently they can to German Town, and there inspect the Count Pulaski's Legion, making strict Inquiry by Oath or otherwise, what non commissioned Officers or Privates are Prisoners or Deserters from the Enemy; that all of these Characters in the *Horse, and all Prisoners in the Infantry* Corps be selected, their

[1] Howe's letter is in the *Papers of the Continental Congress*, No. 160, folio 475; that of Lowndes, in No. 72, folio 465. Howe's letter of the 5th is in No. 160, folio 479.

[2] McNutt's memorial is in the *Papers of the Continental Congress*, No. 41, VI, folio 67. It is dated September 17. Ternant's letter is in No. 78, XXII, folio 597.

Horses, Arms and Accoutrements respectively delivered up to the Quarter Masters and Commissary of Military Stores: That *the non commissioned Officers and privates so selected be such Deserters so selected from the Horse be enlisted incorporated with the Foot and* all such as have been Prisoners be immediately marched to Philadelphia, and delivered over to the Commissary of Prisoners for Exchange.

Resolved, That the Board of War be directed to cause a like Inspection to be had of all the Corps now raising, so that all Prisoners found therein may be delivered over in like Manner to the Commissary of Prisoners for the Purpose aforesaid.

Resolved, That the Board do issue a most positive and express Instruction to all recruiting Officers whatever, not to enlist Prisoners of any Kind or Deserters on any Pretence, under the Penalty of having every such Recruit discharged and the Officer so enlisting held accountable for all the Expences incurred thereby.

Resolved, That the Board of War do in like Manner issue an Instruction to all Officers of Cavalry not to enlist any Prisoner or Deserter in the Cavalry under the like Penalty.[1]

Ordered, That the consideration thereof be postponed.

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That Michael Hillegas, Esq. treasurer, be directed to deliver the check books of the loan office certificates, which he has issued to lenders, to Thomas Smith, Esq. commissioner of the continental loan office in the State of Pensylvania, who is directed to pay the interest arising on such certificates.[2]

That Thomas Lawrence be nominated a Manager of the Public Lottery in the room of Mr. Searle, who has resigned.

Resolved, That two per cent. be allowed to the commissioners of the loan offices of the United States, on the amount of interest which has been or shall be paid by

[1] This report in the writing of Joseph Reed, is in the *Papers of the Continental Congress*, No. 28, folio 91.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 589.

them respectively, in lieu of all claims and demands which they may have for transacting the said business.[1]

Resolved, That Thursday next be assigned for electing a manager of the United States' lottery, in the room of Mr. Searle, who has resigned.

Ordered, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pensylvania, in favour of the managers of the United States' lottery, for thirteen lottery office certificates of one thousand dollars each, and one hundred and forty-six lottery office certificates of five hundred dollars each, amounting in the whole, to eighty-six thousand dollars, to enable the said managers to pay off the high prizes drawn in the first class of the said lottery; they to be accountable.[2]

Congress proceeded to the election of a commissioner of accounts at the treasury office, and the ballots being taken, Mr. Resolve Smith was elected.

Congress took into consideration the report of the Board of War, of the 8 April last, relative to the contract made with Messrs. Daniel and Samuel Hughes: Whereupon,

Resolved, That Messrs. Daniel and Samuel Hughes be allowed [seventy pounds current money of Maryland] one hundred and eighty six and two thirds dollars per ton for all cannon already cast by them in virtue of their contract, whether delivered or not, and which have stood or shall stand proof, in full of all claims and accounts; the guns not delivered to be taken when proved at the furnace, from whence they are [to be] transported at continental expence.[3]

[1] This report, dated September 25, is in the *Papers of the Continental Congress*, No. 136, II, folio 581. The paragraph on Lawrence was postponed to October 1.

[2] This report, dated September 26, is in the *Papers of the Continental Congress*, No. 136, II, folio 585.

[3] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 5. The members present were Gates, Mifflin, Pickering, and Peters.

Congress resumed the consideration of the report of the committee to whom were referred the letters of 21 and 29 ultimo, from the Board of War, and a letter from Mr. Holker, relative to cannon imported into the State of North Carolina: Whereupon,

~~That as there are several ships of war now building and nearly completed on the continental Account, and as the procuring of Cannon, either from Europe or within the United States, has been found to be attended with great difficulty and expence, your Committee are therefore of Opinion, that it will by no means be advisable for Congress to part with the property in the said Cannon; but that the States of Virginia and North Carolina be permitted the use by an equal distribution between them of the said Cannon, for the defence of their respective States, until the further order of Congress.~~[1]

Resolved, That the cannon mentioned in the said letters be sold to the states of Virginia and North Carolina, the former to have twenty four and the latter State twenty five, dividing them equally as to weight of mettle:

That the said states be allowed to purchase the said cannon on the terms the United States have imported them.

Ordered, That the hearing of Mr. Deane be postponed till the examination of Mr. W. Carmichael is finished, and that Mr. Deane be informed thereof.

THREE O'CLOCK, P. M.

A letter, of this day, from Colonel Wadsworth, and one from Mr. Owen Biddle, with sundry papers enclosed, were read:[2]

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 20, II, folio 347. The adopted paragraph is in the writing of Richard Henry Lee.

[2] Wadworth's letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 569; that of Biddle is in III, folio 197.

Ordered, That they be referred to the committee on the memorial from Colonel Blaine, and letter from Colonel H. Hollingsworth.

Congress took into consideration the report of the committee on finance, and after some time spent thereon,

Ordered, That the farther consideration be postponed till Thursday next.[1]

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, SEPTEMBER 30, 1778

A letter, of 28, from Governor Livingston, was read:[2]

Ordered, That it be referred to the Board of War.

Ordered, That Count Pulaski, with his legion and all continental soldiers fit for service in and near Philadelphia, be directed to repair immediately to Princeton, there to wait the orders of General Washington, or the commanding officer in New Jersey.

A letter, of 23, from Major General Sullivan, was read, together with a letter therein enclosed from Samuel Arnold, lieutenant, and containing a resignation of his commission; and one from Elias Blanchard, containing a resignation of his commission:[3]

Resolved, That the resignation of the said Lieutenant Samuel Arnold and of Ensign Elias Blanchard be accepted.

Resolved, That Major General Sullivan be authorized to accept the resignation of such officers in the army under his command as he shall think proper.

[1] A petition of Friedrich Wilhelm von de List, dated September 28, is in the *Papers of the Continental Congress*, No. 41, V, folio 197. It is endorsed: "Read 29 September. Ordered to lie on the table."

[2] This letter is in the *Papers of the Continental Congress*, No. 68, folio 403.

[3] Sullivan's letter is in the *Papers of the Continental Congress*, No. 160, folio 189.

A letter, of 24, from Major General Sullivan, enclosing a recommendation of Captain Ebenezer Sullivan, by Major General Greene, and sundry other officers, was read:

Ordered, That the same be referred to the Board of War, and that they be directed to enquire whether Captain Ebenezer Sullivan has been duly released from all obligations as an hostage for the troops captivated at the Cedars.

A letter, of 21, from Major General Heath, enclosing sundry letters that passed between him and Major General Phillips, respecting the settlement of the accounts for the supplies of the troops of the convention of Saratoga, was read:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Elbridge] Gerry, Mr. [William] Duer, and Mr. M[eriwether] Smith.

Mr. Carmichael, attending according to order, was called in, and the house proceeded in his examination.

Ordered, That Mr. Carmichael attend on Friday afternoon, to be further examined.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, OCTOBER 1, 1778

Mr. [Roger] Sherman, a delegate from Connecticut, attended and took his seat ‖ in Congress.‖

A letter, of 30 September, from the Board of War, with sundry papers enclosed, was read:[1]

Ordered, That the same be referred to a committee of five:

[1] This letter, prepared by Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 281. On the back of a letter from John Armstrong enclosed in this letter, is recorded the votes for the committee: Gerry, 1; Marchant, 3; Elmer, 2; Mathews, 3; Henry, 4; Sherman, 8; Reed, 3; Harvie, 2; Lovell, 2; J. Smith, 1; Roberdeau, 1.

The members chosen, Mr. [Roger] Sherman, Mr. [James] Henry, Mr. [Henry] Marchant, Mr. [John] Mathews, and Mr. [Joseph] Reed.

A letter, of 12 September, from Captain Henry Johnston, at Boston, was read:

Ordered, That it be referred to the Marine Committee.

A petition of Captain Francis Tartanson, was read.[1]

Ordered, That it be referred to the Board of War.

A memorial from James Œllers, one of the owners of the *Duck Creek* pacquet, was read;[2] Whereupon,

Congress took into consideration the report of the committee to whom was referred the petition from the said James Œllers and Henry Horn, and thereupon,

The Committee to whom was referred the Petition and Memorial of James Œllers and Henry Horn, Report,

That having examined into the case, as well on behalf of the Petition as on behalf of the Public, it appears, That about a week before the Battle of Brandywine, Anthony Butler, acting as Deputy Quarter Master General in Philadelphia during the sickness of Quarter Master General Mifflin, received orders from the Board of War to press into the Public Service all the Shallops and Schooners in the port of Philadelphia. That the day after the Battle of Brandywine, he ordered Thomas Carrol to press the Schooner *Duck creek packet* (the Schooner mentioned in the Petition): that the schooner was pressed accordingly on the same day, she being then commanded by and having on board a Master appointed by the Petitioners: that the said Master was continued in the command of the said Schooner; that he was ordered to proceed to Chester to receive on board a number of wounded Soldiers to be brought up the Delaware; that the said Master put on board by the Petitioners, instead of obeying these orders sailed down the delaware, passed by Chester and without stopping proceeded and joined the Enemy below, with whom he continued with the Schooner, until she was taken from the Enemy; she was afterwards condemned as

[1] This petition is in the *Papers of the Continental Congress*, No. 42, VII, folio 344.

[2] This memorial is in the *Papers of the Continental Congress*, No. 41, VII, folio 187.

lawful prize in the Court of Admiralty at Dover, and no appeal against the Decree hath been made.

~~Your Committee having considered these facts are of opinion, that had the Schooner been permitted to have remained in the possession of the Petitioners, it is possible they might have seen cause to have removed the said Master from the command of their Schooner, and thereby have put it out of his power from running away with her; whereas by their being deprived of the possession of her, they were deprived of an opportunity that might have offered to have preserved her. From which, as it appears the loss in some degree arose from the public interference in the case, or rather, that it deprived the Petitioners of an opportunity which might possibly have happened to prevent the loss, your committee are of opinion the public should bear some part of it. Therefore they recommend that the Petitioners be paid in full satisfaction on the part of the public for the loss of the Schooner, a sum of money equal to one half of what she sold for under the Decree of the Court of Admiralty at Dover.~~

Resolved, That the loss of the schooner *Duck Creek* packet ought not to be sustained by the United States, and that General Mifflin be served with a copy of this resolution.[1]

The Committee of Commerce having, according to order, obtained from Messrs. Hewes and Smith, a return of the continental stores that have been received and delivered by them as agents for the United States in North Carolina, laid the same before Congress; Whereupon,

Congress resumed the consideration of the report of the Committee of Commerce, respecting Messrs. Hewes, Smith, and Allen; and thereupon,

Resolved, That a warrant be drawn on the treasurer in favour of Messrs. Hewes, Smith, and Allen, continental agents in the State of North Carolina, for the sum of

[1] This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 19, IV, folio 503. The last paragraph, or resolution adopted, is in the writing of Elbridge Gerry.

twenty seven thousand four hundred and forty nine and seventy-three ninetieths dollars, being in full of the balance due to them as reported on a settlement of their accounts by the Committee of Commerce:

Ordered, That so much of the said report as respects the brigantine *Commerce*, be re-committed, and that the committee report specially thereon.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Captain William Henderson, for six thousand two hundred and thirty dollars, in discharge of a bill in his favour, drawn by William Palfrey, Esq. pay master general, dated 15 September, 1778; for which sum the said pay master general is to be accountable.[1]

THREE O'CLOCK, P. M.

A letter, of this day, from the Board of War, and a letter of 29 September, from Count Pulaski, were read.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, OCTOBER 2, 1778

Resolved, That one thousand dollars be advanced to Lieutenant Colonel Ternant, for which he is to be accountable; and that he be entitled to the benefits of the resolution of Congress of 4 September, in regard to his travelling expences to South Carolina.

Resolved, That Friday next be assigned for receiving and considering the report of the committee of arrangement.

Ordered, That Monday next be assigned for taking into consideration the state of the cloathing, and that the Board

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 593.

of War on that day, lay before Congress an account of the cloathing provided, and the measures by them taken for forwarding the same to the army.[1]

A letter, of 1, from the Board of War, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [John] Mathews, and Mr. [Thomas] Stone.

Resolved, That Mr. [James] Henry be appointed a member of the Marine Committee for the State of Maryland.

The committee on the memorial from Colonel Blaine, &c.|| and letter from Colonel Hollingsworth,|| brought in a farther report, which was taken into consideration.

THREE O'CLOCK, P. M.

A letter, of this day, from Mr. Chief Justice M'Kean, was read; Whereupon, Congress came to the following resolution:

Whereas complaint has been made to Congress that Brigadier Count Pulaski has resisted the civil authority of this State:

Resolved, That the Board of War do require his personal attendance at the war office, at nine o'clock to morrow morning, and that he continue in Philadelphia until enquiry can be made therein, and until the further order of Congress; it being the fixed determination of Congress to discourage and suppress every opposition to civil authority by any officer in their service.

Congress resumed the consideration of the report of the committee on the memorial from Colonel Blaine, &c. || and letter from Colonel Hollingsworth; || and thereupon came to the following resolutions:

Whereas the scantiness of crops of wheat and other grain in the states of New York, New Jersey, Pensylva-

[1] This account is in the *Papers of the Continental Congress*, No. 147, II, folio 305.

nia, Delaware, Maryland, and Virginia, and the wicked arts of speculators, forestallers, and engrossers, who infest every quarter of the country, and are industriously purchasing up grain and flour at the most exorbitant prices, render it impracticable to obtain timely and sufficient supplies for the operations of the army and navy, unless the most vigorous measures are, without delay, adopted, to restrain practices so destructive of the public weal:

Resolved, That it be earnestly recommended to the legislative, or, where vested with sufficient power, to the executive authorities of the states above mentioned, to authorize and direct any civil magistrate within their respective jurisdictions, on an information given by the commissary or quarter master general, or by the deputy commissary or quarter master general of the respective districts, of any extraordinary quantity of grain or flour being purchased and in the possession of individuals, forthwith to issue his warrant empowering the informant to seize the same for the public use, ~~paying for the same such equitable price as may be agreed on by the possessor and the officer obtaining the warrant; and that in such case, where the parties cannot agree, an appeal be made by either to the supreme executive authority of the State where the seizure may be made; and that they fix the price at such rate as in their opinion will not operate in future as an inducement to individuals to speculate on, and engross provisions, with an intent to enhance the price on the public,~~ [paying for the same such prices as may to the respective legislatures appear proper, to prevent the practice of engrossing those articles in future, not exceeding six dollars per hundred for flour, and in proportion for grain, which may be found in the hands of engrossers.][1]

[1] Words in brackets are not in the original report, and are entered in the journals by Henry Laurens.

And, whereas, the facilitating the supply of the army, which was one of the principal objects in laying the embargo, has been defeated by individuals purchasing up grain and flour with a view of exporting the same at the expiration of the term for which the embargo is laid in the respective states:

Resolved, That it be earnestly recommended to the Legislative and Executive Authorities of the respective States to continue in Force the present Embargo subject to such Exceptions as are recommended by the Resolutions of Congress of till the last Day of Jany. 1779 next or till such Time as Congress shall give Notice to the respective States that sufficient Supplies have been obtained for the Operations of the army and for the French Squadron; and that it be recommended to the said Legislatures to authorize the Seizure and Forfeiture of all Grain and Flour (other than what may be Sufficient for family Use) which may be purchased up by Individuals during the Continuance of such Embargo.

See Amendment A.

Resolved, That the embargo on provisions, which, by the resolution of the 8th day of June last, was laid until the 15 November next, be continued in force, subject to such exceptions as are recommended by the resolution of the 2d September, till the last day of January, 1779, or until such time as Congress shall give notice to the respective states that sufficient supplies have been obtained for the operations of the army and for the French squadron; and that it be recommended to the respective states to take the most effectual measures for carrying this resolution into effect.[1]

On considering this part of the report, the committee having offered, as their opinion, "That it be earnestly recommended to the legislative or executive authorities of the respective states *to continue* in force the present embargo, &c."

[1] This was a substitute for the preceding paragraph.

An amendment was moved, that Congress should *continue* the embargo, and recommend it to the states to take measures for enforcing it:

Upon which the question being put, and the yeas and nays required by Mr. [Joseph] Reed,

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
Pennsylvania,		
Mr. Reed,	no	no
James Smith,	ay	
Clingan,	no	
Maryland,		
Mr. Stone,	no	no
Forbes,	ay	
Henry,	no	
Virginia,		
Mr. Harvie,	no	no
R. H. Lee,	ay	
M. Smith,	no	
Griffin,	no	
North Carolina,		
Mr. Penn,	no	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Mathews,	no	
Georgia,		
Mr. Walton,	no	no
Telfair,	no	

So it was resolved in the affirmative, and the report being amended, the resolution passed as above.

Resolved, That it be farther recommended to the legislatures of the several states to pass laws for the seizure and forfeiture of all grain and flour ~~other than what maybe sufficient for family use, which may be purchased up by individuals during the continuance of such embargo.~~ purchased up or engrossed, with such exceptions and un-

der such limitations and restrictions as they may think most expedient.[1]

And, whereas, there is reason to believe that the end proposed by Congress in recommending an exemption from embargo, by their resolution of 2 September, may not only be defeated by private purchasers enhancing prices, or by captains making false protests and bearing away to foreign ports; but in cases where vessels may actually arrive in some ports of the eastern states, the cargoes may be engrossed by individuals at an extravagant rate, with a view of preying upon the public; to guard against which evils,

Resolved, That it be earnestly recommended to the legislative and executive authorities of the respective states, not to grant any exemption from embargo to any vessels whatever, unless, in addition to the former security recommended, the persons applying for the same, comply with the following stipulations, to wit:

That the shipper or shippers of the cargo solemnly make oath, that no part of the flour or grain proposed to be shipped has been purchased or contracted for since the 10th day of October, 1778:

That the shipper and every man on board of the said vessels, whether seamen or passengers, solemnly swear that they will not, directly or indirectly, be privy to or concerned in any measure whatsoever, which may tend to defeat the arrival of the vessel at some safe port in one of the eastern states; but that they will, without any deception, mental reservation or equivocation whatever, take every measure to carry into effect the intention of the license granted:

That the shipper shall first agree with the commissary general, or person by him duly authorized, for such pur-

[1] This paragraph was not in the original report.

pose, on the price for which the flour shipt shall be delivered at one of the ports in the eastern states for the public use.

Resolved, That the exemption from the embargo, as recommended by the resolution of Congress of the 2 September, be extended to vessels belonging to the middle and southern as well as those of the eastern states, under the restrictions and stipulations above mentioned.[1]

Resolved, That the commissary general be authorized to despatch provision vessels to the eastward, with or without convoy, as in his judgment shall be most conducive to the certain and speedy supply of these articles for the army of the United States and the fleet of Count d'Estaing, notwithstanding any resolution of Congress heretofore made on this subject.

Ordered, That the committee have leave to sit again.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 3, 1778

A letter, of 2d, from Brigadier Count Pulaski, and one of 3d, from the Board of War, were read:[2] Whereupon,

Ordered, That the Board of War be directed to enquire into the claim made against Brigadier Count Pulaski on which he has been lately arrested, and if such claim has arisen for articles furnished to his legion, that the Board pay what shall appear to them reasonable, and if not accepted, that the Board procure bail to the suit, and that the Board be directed to inform Brigadier Pulaski that it is the duty of every military officer in the service of these states, to yield obedience to any process issuing from any court, judge or magistrate within any of the United States.

[1] This report is in the *Papers of the Continental Congress*, No. 29, folio 119.

[2] The letter of the Board of War is in the *Papers of the Continental Congress*, No. 147, II, folio 297.

Ordered, That so much of the Count Pulaski's letter as relates to his legion, be referred to the Board of War.

The Committee for Foreign Affairs laid before Congress a letter of 1 June, from Hon. Arthur Lee, at Paris, which was read.

Ordered, That the Hon. Silas Deane, be furnished with a copy of the said letter, so far as relates to him.

Adjourned to 9 o'Clock on Monday.

MONDAY, OCTOBER 5, 1778

A letter, of 25 September, from Major General Sullivan, and one of 23d, of the same month, from Major General the Marquis de la Fayette, and one of the 18 of the same month, from Jonathan Trumbull, Esq. late pay master in the northern department, were read.

A letter, of 29 September, from General Washington, was read:

Ordered, That so much thereof as relates to the army, be referred to the Board of War.

A letter, of 29 September, from Major John Clark, one of the auditors in the army; a memorial of Captains Gilbert and Holmes; and a letter from John Beatty, commissary general of prisoners; were read;[1] Whereupon,

Ordered, That fifty thousand dollars in specie be advanced to Colonel John Beatty, commissary general of prisoners, for the use of the prisoners in the hands of the enemy, and to discharge the debts of those exchanged; and that the commissary general make monthly returns of his expenditures to the Board of Treasury.

[1] The letter of Sullivan is in the *Papers of the Continental Congress*, No. 160, folio 193; that of Lafayette, in No. 156, folio 27; that of Trumbull, in No. 78, XXII, folio 595; that of Washington, in No. 152, VI, folio 387; that of Clark, in No. 78, V, folio 237; that of Gilbert, Holmes, and Beatty, in No. 41, III, folio 391.

On application of the delegates of North Carolina, in pursuance of a resolve of the general assembly of that State, passed 30 April, 1778:

Ordered, That ten thousand dollars be advanced to the delegates of the State of North Carolina, for the use of that State, and for which the said State is to be accountable.

Resolved, That commissions be made out for the officers in Count Pulaski's legion, and despatched to them by express by the Board of War.[1]

A letter, of this day, from the Board of War, with a letter enclosed, relative to the enemy's appearance off Egg Harbour, was read: Whereupon,

Resolved, That a committee of ~~three~~ four be appointed to confer with the supreme executive council of the State of Pennsylvania, on the best means of repelling the enemy:

The members chosen, Mr. R[obert] Morris, Mr. [William] Duer, Mr. [Richard Henry] Lee, and Mr. [Joseph] Reed.

A letter, of 18 September, from Meshech Weare, president of the State of New Hampshire, was read;[2] Whereupon,

Congress took into consideration a report of the Board of Treasury of the 25 July, and thereupon,

Ordered, That a warrant issue on the treasurer in favour of the delegates of the State of New Hampshire, for one hundred and fifty thousand dollars, for the use of the said State, being advanced on the requisition of the same:

That another warrant issue on Nicholas Gilman, Esq. commissioner of the continental loan office in New Hampshire, for fifty thousand dollars, for the use of the said

[1] A list of commissions issued under this resolution, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 59, II, folio 123. The original list submitted by Pulaski is on folio 131, and a copy is on folio 127.

[2] This letter is in the *Papers of the Continental Congress*, No. 64, folio 41.

State, advanced upon the same application; for which sums, amounting to two hundred thousand dollars, the said State of New Hampshire is to be accountable.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on John Gibson, Esq. auditor general, in favour of Mr. J[ohn] Banister, one of the delegates from the State of Virginia, for fifteen hundred dollars, advanced upon his application; for which the said State is to be accountable.

That a warrant issue on the treasurer in favour of Mr. C[ornelius] Harnett, one of the delegates of the State of North Carolina, for one thousand dollars, advanced upon his application; for which the said State is to be accountable:

The Committee on the Treasury having considered a Letter from Jonathan Brewer, Captain Lieutenant of Artillery of the 24th ulto. referred to them by Congress, beg leave to report:

That a report of the Board of War relative to the mode of paying prisoners the wages arising during the time of their captivity being now before Congress, Captain Brewer should receive his Pay according to the General Plan which may be adopted by Congress in Consequence of the said Report.[2]

Agreed

That a warrant issue on the treasurer in favour of James Mease, Esq. cloathier general, for thirty thousand dollars, to be by him advanced to William Gardner, agent in New Hampshire, for compleating his purchases of cloathing and making up the same; the said cloathier general to be accountable.

Whereas, it is represented by several commissioners of the continental loan offices, that they have received for loan office certificates and lottery tickets of the United

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 423. It is endorsed "postponed."

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 597.

States, considerable sums in bills of credit emitted by states, who, by acts of their respective legislatures, have stopped the circulation of such bills:

Resolved, That it be recommended to the said states to direct their treasurers to receive such bills of credit from the said commissioners respectively, and deliver in exchange continental currency to the amount thereof; the said commissioners declaring, on oath, if required, that such bills were received by them in virtue of their office.[1]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Thomas Paine, secretary to the Committee for Foreign Affairs, his pay from the 17 of February, to the 17 September, 1778, being seven months, at 70 dollars per month, 490 dollars:[2]

Ordered, That the said account be paid.

According to order, the Board of War, having made return of the cloathing on hand, as far as has come to their knowledge, &c:

Ordered, That the same, together with the report of the committee on General Washington's letter of 4 August, be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. G[ouverneur] Morris and Mr. [Elbridge] Gerry.

Ordered, That the secretary purchase an atlas ||for the use of Congress.||

Ordered, That Mr. Carmichael attend this afternoon, at 4 o'clock, to be further examined.

||Three o'Clock, p. m.||

Resolved, That the legion, under command of Count Pulaski, be ordered to proceed immediately to assist in

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 603.

[2] This report, dated October 3, is in the *Papers of the Continental Congress*, No. 136, II, folio 601.

the defence of Little Egg Harbour against the attack now made by the enemy on that port:

That the Board of War be directed to take immediate measures for communicating this order to the Count.

Mr. Carmichael attending according to order, was called in, and being further examined, ||was ordered to withdraw.||

Information being given ||to Congress|| of a report that some of the officers belonging to the troops of the convention of Saratoga, have been permitted to go into New York on parole, and that such permission and paroles have been granted by the deputy commissary of prisoners in the eastern department:

Ordered, That the president write to Major General Heath on this subject, and direct him to enquire into this matter, and take order therein.

Adjourned to 9 o'Clock to Morrow.

TUESDAY, OCTOBER 6, 1778

A letter, of 23 September, from Messrs. Otis and Andrews, to the Board of War, was laid before Congress, and read:[1]

Ordered, That it be referred to the committee on the cloathing department.

A motion was made,

That the honourable Benjamin Franklin, Arthur Lee, and John Adams, Esquires, or any one of them, be directed forthwith to apply to Dr. Price, and inform him, that it is the desire of Congress to consider him as a citizen of

[1] This letter is in the *Papers of the Continental Congress*, No. 31, folio 3.

the United States; and to receive his assistance in regulating their finances. That if he shall think it expedient to remove, with his family, to America, and afford such assistance, a generous provision shall be made for requiting his services.

The question being put, and the yeas and nays being required by Mr. President [Henry Laurens],

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	div.
Gerry,	ay	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Sherman,	no	no
New York,		
Mr. Lewis,	no	*
New Jersey,		
Mr. Elmer,	ay	ay
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Clingan,	ay	
Maryland,		
Mr. Chase,	ay	ay
Stone,	ay	
Henry,	no	
Virginia.		
Mr. Harvie,	ay	ay
R. H. Lee,	ay	
M. Smith,	ay	
Griffin,	ay	
North Carolina,		
Mr. Harnett,	ay	div.
Williams,	no	
South Carolina,		
Mr. Laurens,	no	div.
Mathews,	ay	
Georgia,		
Mr. Walton,	no	no
Telfair,	ay	
Langworthy,	no	

So it was resolved in the affirmative.

Mr. [Nathaniel] Scudder, a delegate from New Jersey, attended and took his seat in Congress.

The Committee of Commerce brought in a report: Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Committee of Commerce, for sixteen thousand six

hundred sixty-six and two-thirds dollars, to be by them transmitted to John Langdon, Esq. continental agent at Portsmouth, in the State of New Hampshire, for the purpose of lading the French ship *Dutchess de Gramont*, and other contingent charges.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. J[ames] Lovell, for account of John Hancock, Esq. for three hundred dollars, being so much advanced by him to William Dodd and Patrick M'Closky, for public service, and passed to their accounts in the treasury office, and that the said sum be charged to Mr. Hancock.[1]

Congress resumed the consideration of the report of the committee on finances, and made some progress therein.

THREE O'CLOCK, P. M.

A letter, of 25 September, from Mr. J. Baynton, pay master at Fort Pitt, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 24 September, from Andrew Lewis and Thomas Lewis, Esqrs. commissioners at Fort Pitt, ||was read,|| together with their proceedings at a treaty held with the chiefs of the Delaware nation, and an agreement or confederation entered into between them and the said chiefs, and other papers:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [John] Harvie, Mr. [William Henry] Drayton, and Mr. [John] Mathews.

A letter, of 20 August, from Governor Houston, of Georgia, was read:[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 605.

[2] This letter is in the *Papers of the Continental Congress*, No. 73, folio 218.

Ordered, That the same, together with the letter of 5 September, from Major General R. Howe, be referred to a committee of three:

The members chosen, Mr. [William Henry] Drayton, Mr. [Edward] Telfair, and Mr. [Henry] Marchant.

Resolved, That the commissary general of prisoners be directed to take immediate measures to effectuate the exchange of the survivors of Lieutenant Colonel Baylor's party, taken prisoners by the enemy, and that they, being exchanged, be ordered to repair to the Board of War.[1]

Resolved, That Governor Livingston be requested to use his utmost diligence in obtaining the best information, upon oath, of the treatment of the ~~late~~ Lieutenant Colonel Baylor and his party by the enemy, who attacked them; specifying the time in which the attack was made.

~~Ordered, That the consideration of the report of the Committee on finances be postponed till to morrow.~~

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 7, 1778

A letter, of this day, from Mr. S. Deane, Esq. was read:

Ordered, To lie on the table.

A letter, of 3d, from General Washington, accompanied with the proceedings of the court martial on the trial of Major General St. Clair, was read.[2]

Congress resumed the consideration of the report of the committee on finance, and some progress being made therein,

Adjourned to 9 o'Clock to Morrow.

[1] In the margin is written: "Repealed."

[2] This letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 391.

THURSDAY, OCTOBER 8, 1778

Mr. [Oliver] Ellsworth, a delegate from Connecticut, attended and took his seat.

A letter, of 25 September, from Peter Colt, Esq. deputy commissary general of purchases, in the eastern district, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Witherspoon, Mr. [Elbridge] Gerry, and Mr. [Roger] Sherman.

A motion was made, that the proceedings of the court martial upon General St. Clair, and the papers accompanying it, be referred to a committee:

A motion was made to amend by adding the words "of the whole house:"

On which the yeas and nays being required by Mr. [William] Duer,

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts Bay,		
Mr. S. Adams,	ay	no
Gerry,	no	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Sherman,	no	no
Ellsworth,	no	
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Witherspoon,	no	no
Scudder,	no	
Elmer,	no	
Pennsylvania,		
Mr. Reed,	ay	ay
James Smith,	ay	
Clingan,	no	
Maryland,		
Mr. Chase,	no	no
Stone,	ay	
Henry,	no	
Virginia,		
Mr. Harvie,	no	div.
R. H. Lee,	no	
M. Smith,	ay	
Griffin,	ay	

[1] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 225.

North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Mathews,	no	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	ay	
Langworthy	ay	

So it passed in the negative.

The main question was then put: and the yeas and nays being required by [William] Duer,

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts Bay,		
Mr. S. Adams,	ay	no
Gerry,	no	
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Sherman,	no	no
Ellsworth,	no	
New York,		
Mr. Lewis,	no	no
Duer,	no	
New Jersey,		
Mr. Witherspoon,	ay	no
Elmer,	no	
Scudder,	no	
Pennsylvania,		
Mr. Reed,	no	no
James Smith,	no	
Clingan,	no	
Maryland,		
Mr. Chase,	no	no
Stone,	no	
Henry,	no	
Virginia,		
Mr. Harvie,	no	no
R. H. Lee,	no	
M. Smith,	no	
Griffin,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	ay	
Mathews,	no	
Georgia,		
Mr. Walton,	no	no
Telfair,	no	
Langworthy,	no	

So it passed in the negative.

Ordered, That one hundred copies of the proceedings of the court martial for the trial of Major General St. Clair,

together with his defence, be printed for the use of the members.

THREE O'CLOCK, P. M.

Congress resumed the consideration of the report of the committee on finance: and,

On motion made to postpone agreeing to that part of the report, viz. "That all limitations of prices of silver and gold be taken off;" the determination of which was yesterday postponed at the request of a State:

The yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Sherman,	no	no
Ellsworth,	no	
New York,		
Mr. Lewis,	no	no
Duer,	no	
New Jersey,		
Mr. Witherspoon,	no	no
Scudder,	ay	
Elmer,	no	
Pennsylvania,		
Mr. R. Morris,	no	no
Reed,	no	
James Smith,	no	
Clingan,	no	
Maryland,		
Mr. Henry,	no	*
Virginia,		
Mr. Harvie,	no	no
R. H. Lee,	no	
M. Smith,	no	
Griffin,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Mathews,	no	
Georgia,		
Mr. Walton,	no	div.
Telfair,	ay	

So it passed in the negative.

On the question to agree to that part of the report, above recited, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Sherman,	ay	ay
Ellsworth,	ay	
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Elmer,	ay	
Scudder, *excused, not being present at the debate.*		
Pennsylvania,		
Mr. R. Morris,	ay	ay
J. Smith,	ay	
Clingan,	ay	
Reed, *excused, not being present at the debate.*		
Maryland,		
Mr. Henry,	ay	*
Virginia,		
Mr. Harvie,	ay	ay
R. H. Lee,	ay	
M. Smith,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Mathews,	ay	
Georgia,		
Mr. Walton,	ay	div.
Telfair,	no	

So it was resolved in the affirmative.

On motion, *Resolved*, That the resolution of the 6, for the immediate exchange of the survivors of Colonel Baylor's party, taken prisoners by the enemy, be and it is hereby repealed; and that the commissary general of prisoners be notified thereof, and directed to govern himself in the exchange of prisoners as if no such resolution had ever passed.

Resolved, That the Board of War be directed to pursue the most Speedy and Effectual Measures for removing the Troops under the Convention of Saratoga, from the State of Massachusetts Bay, to such part of the State of Virginia as they shall judge proper, and that they give the Necessary Orders for Building Temporary Barracks for their Accommodation, and employing such Guards as they shall Deem expedient for the good order and safe keeping of the said Troops.[1]

Adjourned to 9 o'Clock to Morrow.

FRIDAY, OCTOBER 9, 1778

A petition from Elisha Doane, ||was read,|| accompanied with the proceedings of a court of admiralty for the State of New Hampshire, on the libel "Treadwell and Penhallow, *versus* brig *Susannah*," &c. praying that he may be allowed an appeal to Congress:[2]

Ordered, That the same be referred to the Committee on Appeals.

Resolved, That Mr. [Oliver] Ellsworth be appointed a member of the Marine Committee, for the State of Connecticut.

Ordered, That Friday next be assigned for taking into consideration the proceedings and sentence of the court martial on the trial of Major General Lee.

A letter, of 8 September, from General Schuyler, with a petition of Dominique L'Eclise enclosed, was read:

Ordered, That it be referred to the Board of War.

A letter, of 30 September, from Major General Heath, with a paper of intelligence enclosed, was read:[3]

[1] This motion, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 36, I, folio 13. It is endorsed: "Read, debated, and postponed, 8 October, 1778."

[2] This petition, dated September 14, is in the *Papers of the Continental Congress*, No 44, folio 187.

[3] Schuyler's letter is in the *Papers of the Continental Congress*, No. 153, III, folio 352; that of Heath, in No. 157, folio 206.

Ordered, That the same be referred to the Board of War.

A report from the Board of War was read; Whereupon,

Resolved, That if any of the states in which Colonel Moses Rawlins shall recruit for his regiment shall give to persons inlisting in the same, for three years, or during the war, the bounty allowed by the State, in addition to the continental bounty, the men so furnished, not being inhabitants of any other of the United States, shall be credited to the quota of the State in which they shall be inlisted.[1]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to the officers and privates of the invalid regiment, commanded by Colonel L. Nicola, for pay and subsistence for the month of August last, the sum of 1558 25/90 dollars:

That there is due to Paul Feager, 907 15/90 dollars, being a balance due for two hundred and thirteen reams of money paper delivered to Hall and Sellers:

That there is due to John Thaxter, his pay as clerk in the secretary's office, from the 16 June to 16 October, 1778, three hundred and sixty-six and two-thirds dollars, and for extra expences from Yorktown to Philadelphia, twenty-five dollars, making in the whole, 391 60/90 dollars:

That there is due to William Hurrie, for his services as door keeper to Congress, from 3d July to 30th September, 1778, inclusive, one hundred and sixty-one dollars, and for cash advanced for sundry small articles for the use of the house, seventeen 54/90 dollars, making in the whole, 178 54/90 dollars:[2]

[1] This report, dated October 8, and prepared by Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 321.

[2] This report, dated October 8, is in the *Papers of the Continental Congress*, No. 136, II, folio 609.

Ordered, That the said accounts be paid.

Congress resumed the consideration of the report of the committee on finance, and on that part of the report that the several States be called upon to provide funds to the amount of millions of dollars annually for payment of interest of the monies borrowed and ordered to be borrowed on the credit of the United States, a motion being made to fill the blank with "four"; and the yeas and nays being required by Mr. [William] Duer,

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Sherman,	no	no
Ellsworth,	no	
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	no	
Elmer,	ay	
Pensylvania,		
Mr. Jas. Smith,	ay	ay
Clingan,	ay	
Maryland,		
Mr. Henry,	no	*
Virginia,		
Mr. Harvie,	no	div.
R. H. Lee,	ay	
M. Smith,	ay	
Griffin,	no	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Mathews,	ay	
Georgia,		
Mr. Walton,	no	no
Telfair,	no	
Langworthy,	ay	

So the States being equally divided the motion was lost.

THREE O'CLOCK P. M.

Resolved, That three hundred dollars be allowed to Mr. Nourse, pay master to the Board of War and Ordnance, over and above his pay, in compensation for his trouble and risque in paying the sums of money entrusted to him.

Resolved, That the sum of three hundred dollars be paid to Mr. John Thaxter, in reward for his extra services as clerk in the secretary's office.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the pay master of the Board of War and Ordnance, for two hundred thousand dollars, to answer the demands of the Board in prosecuting the purchase of shoes, hats, blankets, hose and mittens: the said pay master to be accountable:

That a warrant issue on the treasurer in favour of Colonel Benjamin Flower, commissary general of military stores, ||for 100,000 dollars,|| being advanced upon the application of the Board of War and Ordnance, for the use of his department; for which he is to be accountable.[1]

A letter, of this day, from John Connolly, was read:

Ordered, That it be referred to the committee on the letter of 15 September, from Mr. Beatty, commissary general of prisoners.

The committee of arrangement brought in a report:[2]

Ordered, That Monday next be assigned for taking the same into consideration, and that the Board of War lay on the table the three last returns of the continental army.

Resolved, That two members be added to the committee on the cloathing department:

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 613.

[2] See under November 24, 1778, *post*.

The members chosen, Mr. [Joseph] Reed and Mr. [William] Duer.

The Committee to whom was referred a report of a former Committee,[1] and several letters and papers from the Board of War Respecting the clothing of the army, beg leave to report as their Opinion:

That it will be best for the future that the several states make provision for Clothing their respective Quotas of Troops for the Continental Army, agreeably to the Articles of Confederation, and therefore submit to the consideration of Congress, the following Resolutions:

1st *Resolved*, That no more purchases be made by Mr Mease, the Clothier General, or any of his Agents; and that he be ordered immediately to lay his Accounts before the Board of Treasury for settlement.

That he deliver all the Clothing and Goods of every kind in his Custody belonging to the United States with Invoices of the same, specifying the Quantity and Cost of each Article, to such person or persons as the Board of War shall direct, and the Board of War are hereby Authorized to appoint proper persons to receive the same, and give them proper Instructions.

2d *Resolved*, That the Clothing which now is, or hereafter may be imported by the United States, shall be Divided, and Delivered to the several states, and their Agents in proportion to their respective Quotas of Troops in the Army, except such a proportion of said Clothing as the Board of War shall judge necessary to be reserved for such Corps of Troops as do not belong to the Quota of any particular State, and for the Navy.

3d *Resolved*, That it be recommended to the several states forthwith to appoint proper persons to reside at or near the Army to receive and issue Clothing to their respective Quotas of Troops; that such persons produce Receipts from each non Commissioned Officer and Soldier of the several Articles so Issued, and that the said states take effectual measures for supplying said Troops with sufficient Clothing from time to time during the continuance of the War. And such parts thereof as are due to the Soldiers by way of Bounty, agreeably to the resolutions of Congress, shall be paid for by the United States on producing Vouchers as aforesaid, at a reasonable Estimate for Clothing each man, so that equal justice may be done to all the states, and that the Board of War be directed to make the Estimate and report the same to Congress.

[1] This report was printed under August 19, 1778. P. 812, *ante*.

4thly *Resolved*, That the Board of War continue to furnish Clothing to the Troops agreeably to former resolutions of Congress, until the respective states, have appointed Agents for that purpose.

That when any State hath appointed such Agent, and notified the same to the Board of War, the Clothing for the Troops belonging to that State shall be Delivered to the said Agent.

That duplicate receipts shall be taken of the Agent of each State for the Quantity and Cost of the Clothes to him delivered on account of the State, which shall be charged to the account of such State in the Books of the Treasury; for which purpose one of said receipts shall be transmitted by the Board of War to the Auditor General.

5thly *Resolved*, That each Regimental Paymaster shall take Receipts from the several non Commissioned Officers and Soldiers, specifying the particular Articles of Clothing which he may deliver to them respectively, to be produced on the Settlement of his accounts. And where any Regimental Paymaster shall receive Clothing from the Officer appointed by any State to issue the same, such Regimental Paymaster shall take duplicate Receipts as aforesaid; one of which shall be delivered to the Officer so appointed by the State, to be produced by him to the State, on the Settlement of his accounts with the State.

6thly *Resolved*, That the Board of War be directed to enquire into the Conduct of James Mease in his Office of Clothier General, his Deputies and Agents, that it may be known whether the Grievous Sufferings of the Army for want of Clothing, have been owing to his or their Misconduct or Neglect of Duty, and make report to Congress.

The Committee having some further matters under consideration ask leave to sit again.[1]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 10, 1778

A letter, of 4, from Dr. W. Shippen, director general, enclosing a return of the sick in the hospital, was read;

Ordered, That the same be referred to the Medical Committee.

[1] This report is in the *Papers of the Continental Congress*, No. 31, folio 21. I have inserted it at this place, finding no subsequent mention of a report from the committee. It is not in the writing of a member of the committee.

A letter, of 8, from Colonel Pickering, of the Board of War, was read:

Ordered, That it be referred to a committee of three, and that they confer with Colonel Pickering and report to Congress:

The members chosen, Mr. [John] Harvie, Mr. [James] Lovell, and Mr. [Nathaniel] Scudder.

The committee to whom was referred the letter of 30 September, from the Board of War, brought in a report:

The committee to whom the letter of General Armstrong of the 22nd September, 1778, and the letters of the Board of War thereupon were referred, beg leave to report, That the Importance of the Lead Mines upon the Frontiers of Pennsylvania requires a competent Force to be kept up on the Frontiers for their Defence. That therefore the Executive Authority of the State of Pennsylvania be requested to call out 100 Men of the Militia of the State to be stationed at or near the said Lead Mines and the Mills appurtenant thereto near Standing Stone till further orders, and that Congress will defray the Expence of the said Detachment.[1]

Ordered, To lie on the table.

The Marine Committee brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of James Reed, pay master to the navy board in the middle district, for two thousand six hundred and sixty-six and sixty ninetieths dollars, in full for two years' wages, ending the 5th day of December, 1777, and in full compensation for his extra services during that time.

Resolved, That the Marine Committee be authorized to employ Mr. James Reed as pay master and clerk of the navy board of the middle district, and to allow him for his services at a rate not exceeding two thousand dollars per annum, to commence from the 5 December, 1777.

A letter, of 24 August, from Major General Howe, was read:

Ordered, That it be referred to the Board of Treasury.

[1] This report, in the writing of Joseph Reed, is in the *Papers of the Continental Congress*, No. 27, folio 83.

Congress resumed the consideration of the report of the committee on finance, and a motion being made to fill the blank with "three millions six hundred thousand dollars," and the yeas and nays being required by Mr. [William] Duer,

New Hampshire,			
Mr. Bartlett,	no	no	
Massachusetts Bay,			
Mr. S. Adams,	ay	ay	
Gerry,	ay		
Lovell,	ay		
Holten,	no		
Rhode Island,			
Mr. Marchant	no	no	
Connecticut,			
Mr. Sherman,	no	no	
Ellsworth,	no		
New York,			
Mr. Lewis,	ay	ay	
Duer,	ay		
New Jersey,			
Mr. Scudder,	no	no	
Elmer,	no		
Pensylvania,			
Mr. Reed,	no	div.	
Roberdeau,	ay		
Jas. Smith,	ay		
Clingan,	no		
Maryland,			
Mr. Henry,	no	*	
Virginia,			
Mr. Harvie,	no	div.	
R. H. Lee,	ay		
M. Smith,	ay		
Griffin,	no		
North Carolina,			
Mr. Harnett,	ay	ay	
Williams,	ay		
South Carolina,			
Mr. Laurens,	no	no	
Drayton,	no		
Mathews,	ay		
Georgia,			
Mr. Walton,	ay	ay	
Telfair,	ay		
Langworthy,	ay		

So it passed in the negative.

On motion to insert "three millions," the yeas and nays being required by Mr. [William] Duer,

New Hampshire.			
Mr. Bartlett,	no	no	
Massachusetts Bay,			
Mr. S. Adams,	ay	ay	
Gerry,	ay		
Lovell,	ay		
Holten,	no		
Rhode Island,			
Mr. Marchant,	no	no	
Connecticut,			
Mr. Sherman,	ay	ay	
Ellsworth,	ay		

New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Elmer,	ay	
Pensylvania,		
Mr. Reed,	ay	ay
Roberdeau,	ay	
Jas. Smith,	ay	
Clingan,	ay	
Maryland,		
Mr. Henry,	no	*
Virginia,		
Mr. Harvie,	no	div.
R. H. Lee,	ay	
M. Smith,	ay	
Griffin,	no	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Mathews,	ay	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	ay	
Langworthy,	ay	

So it was resolved in the affirmative.

A letter, of 6 July, from Mr. Pollock, and one of 29 July, from James Willing, at New Orleans, to the Committee of Commerce, were laid before Congress, and read; also an extract of a letter of 31 August, from John Wereat, Esq. at Savannah, was read:

Ordered, That so much of the said letters as relates to military operations, be referred to the Board of War, and that they report thereon:

That so much of the said letters as relates to commercial matters be referred to the Committee of Commerce.[1]

Adjourned to 9 o'Clock on Monday.

[1] A memorial from John Norman, on printing a treatise on artillery, was presented by Mr. Roberdeau on this day. It is in the *Papers of the Continental Congress*, No. 41, VII, folios 10, 25.

MONDAY, OCTOBER 12, 1778

The proceedings of the court martial on the trial of Major General Schuyler, were laid before Congress:

Ordered, To lie on the table.

On motion, That Congress come to the following resolutions:

"Whereas true religion and good morals are the only solid foundations of public liberty and happiness:

"*Resolved*, That it be, and it is hereby earnestly recommended to the several states, to take the most effectual measures for the encouragement thereof, and for the suppressing of theatrical entertainments, horse racing, gaming, and such other diversions as are productive of idleness, dissipation, and a general depravity of principles and manners.

"*Resolved*, That all officers in the army of the United States, be, and hereby are strictly enjoined to see that the good and wholesome rules provided for the discountenancing of prophaneness and vice, and the preservation of morals among the soldiers, are duly and punctually observed."

The previous question, being moved on the preamble and the first resolution, passed in the negative.

The question being then put on the first resolution with the preamble, and the yeas and nays being required by Mr. [Daniel] Roberdeau,

New Hampshire,			*Connecticut*,		
Mr. Bartlett,	ay	ay	Mr. Sherman,	ay	ay
Massachusetts Bay,			Ellsworth,	ay	
Mr. S. Adams,	ay		*New Jersey*,		
Gerry,	ay	ay	Mr. Witherspoon,	ay	ay
Holten,	ay		Scudder,	ay	
Rhode Island,					
Mr. Marchant,	ay	ay			

Pennsylvania,		
Mr. R. Morris,	ay	ay
Roberdeau,	ay	
J. Smith,	no	
Clingan,	ay	
Maryland,		
Mr. Henry,	no	*
Virginia,		
Mr. Harvie,	no	div.
R. H. Lee,	ay	
M. Smith,	ay	
Griffin,	no	
North Carolina,		
Mr. Harnett,	no	no
Williams,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Mathews,	ay	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	no	
Langworthy,	ay	

So it was resolved in the affirmative.

On the question put to agree to the second resolution,

The yeas and nays being required by Mr. G[ouverneur] Morris,

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Ellsworth,	ay	
New York,		
Mr. Lewis,	ay	div.
G. Morris,	no	
New Jersey,		
Mr. Witherspoon,	ay	ay
Elmer,	ay	
Scudder,	ay	
Pennsylvania,		
Mr. R. Morris,	ay	ay
Reed,	ay	
Roberdeau,	ay	
James Smith,	no	
Clingan,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Henry,	ay	*
Virginia,		
Mr. Harvie,	no	div.
R. H. Lee,	ay	
M. Smith	ay	
Griffin,	no	
North Carolina,		
Mr. Penn,	ay	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Mathews,	ay	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	no	
Langworthy,	ay	

So it was resolved in the affirmative.

On motion to re-consider the first resolution, the question being put, and the yeas and nays being required by Mr. G[ouverneur] Morris,

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Sherman,	no	no
Ellsworth,	no	
New York,		
Mr. Lewis,	ay	ay
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	no	no
Elmer,	no	
Scudder,	no	
Pennsylvania,		
Mr. R. Morris,	no	no
Reed,	no	
Roberdeau,	no	
James Smith,	ay	
Clingan,	no	
Delaware,		
Mr. M'Kean,	no	no
Maryland,		
Mr. Henry,	ay	*
Virginia,		
Mr. Harvie,	ay	div.
R. H. Lee,	no	
M. Smith,	no	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	no
Mathews,	no	
Georgia,		
Mr. Walton,	no	no
Telfair,	ay	
Langworthy,	no	

So it passed in the negative.

THREE O'CLOCK P. M.

A letter, of this day, from Colonel G. Morgan, was read:[1]

Ordered, That it be referred to the Board of War.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

[1]This letter is in the *Papers of the Continental Congress*, No. 163, folio 313. It is endorsed: Rec'd in Congress 3/4. passed 12 A. M.: the same day, read 3 o'Clock P. M.

That there is due to Frederick Bicking, a balance of one thousand seven hundred and forty and thirty-three ninetieths dollars, for eighty-four reams of money paper:

That there is due to the Rev. Mr. Lotbinier, his pay and subsistence as chaplain to Colonel James Livingston's regiment, from 11 September to 10 October, 1778, inclusive, sixty dollars:

That there is due to Joseph Ward, commissary general of musters, for cash he advanced for postage of letters on public business, from 10 April, 1777, to the 1st September, 1778, fifty-nine and forty-five ninetieths dollars:[1]

Ordered, That the said accounts be paid.

An appeal from the judgment of a court of admiralty for the State of Delaware, on the libel "Thomas Godwin, &c. *versus* schooner *Fortune*," was lodged with the secretary.

Congress took into consideration the report of the committee of arrangement, and some progress being made therein,

Adjourned to 9 o'Clock to Morrow.

TUESDAY, OCTOBER 13, 1778

A letter, of 10, from the council of Pensylvania, was read:

Ordered, That it be referred to the Board of War.

A letter, of 13, from Major General the Marquis de la Fayette, with one of the 6, from General Washington enclosed, was read;[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 617.

[2] The letter from Pennsylvania is in the *Papers of the Continental Congress*, No. 69, I, folio 555. It is endorsed: "Received in Congress ¼ past 12 o'clock, when engaged on the order of the day—finance." That of Lafayette is in No. 156, folio 31; and that of Washington, in No. 152, VI, folio 395. It is printed in *Writings of Washington* (Ford), VII, 210.

Ordered, That the same be referred to a committee of four:

The members chosen, Mr. G[ouverneur] Morris, Mr. [Richard Henry] Lee, Mr. [John] Witherspoon, and Mr. S[amuel] Adams.

Resolved, That Mr. [William Henry] Drayton be added to the foregoing committee, and that Mr. [John] Witherspoon be added to the committee for preparing instructions to Dr. Franklin, minister plenipotentiary of the United States at the court of France.

A letter, of 2d, from Governor Livingston, was read:

Ordered, That the letter be referred to the Board of War, and that an extract of so much of it as relates to the trade carrying on with the enemy at Shrewsbury, be sent to General Washington.

A memorial from Major William Bailey, was read:

Ordered, That it be referred to the Marine Committee.

An advertisement of John Leach Knight, was laid before Congress; and read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [Thomas] M'Kean, and Mr. M[eriwether] Smith.

An appeal from the judgment of a court of admiralty for the State of Delaware, on the libel "Daniel Murphy, &c. *versus* the sloop *Hawke*," was lodged with the secretary.

A letter, of 8, from Colonel || T. || Hartley, at Sunbury, was read, giving an account of his incursion into the Indian country:[2]

Ordered, That the letter from Colonel Hartley be transmitted to General Washington, and that General

[1] This advertisement is in the *Papers of the Continental Congress*, No. 78, XIII, folio 491.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 337.

Washington be directed to take immediate measures for preventing the enemy from occupying a post at Chemung, and for repelling the invasions of the savages on the frontiers of New York, New Jersey, and Pensylvania.

THREE O'CLOCK, P. M.

The committee to whom was referred the letter from the council of war of the State of Rhode Island, of the 11 June last, to the delegates of the said State, report,

"That the said State having, in December last, appointed Mr. John Reynold agent cloathier for that State, agreeably to a resolution of Congress, and no instructions having been forwarded to the said agent, by the cloathier general, and applications having been made and pressed upon the said agent by the military officers in the said State for cloathing, under the restrictions and limitations of the resolutions of Congress of the 22 [26] November, 1777; the council of war for the said State advised the said agent cloathier to supply the officers of the two continental battalions raised by that State with necessary cloathing, receiving from them, till he should receive farther orders, four shillings lawful money for what cost one shilling sterling, which was thought to be in just proportion to the wages of the officers; and the assembly of the said State having, agreeably to the recommendation of the convention at Springfield, and the subsequent approbation of Congress, ordered a brigade to be raised for twelve months from 16 March last, and assigned the officers the same pay as those in the continental service, did, on the 31st of May last, pass an order that the agent cloathier should supply them with cloathing, and at such prices as are specified in the said resolve of Congress of the 22 [26] of November last, upon their producing a certificate from Major General Sullivan, of the proportion to be

furnished them respectively, agreeably to the same resolve; and, upon the application of General Sullivan to the said assembly, they passed an order that all the continental officers doing duty in the said State, although not belonging to the continental battalions of the same, should be supplied in like manner: And because the said several transactions of the said council of war and legislature of the said State were done and made from the necessity of the officers in the said department, and for want of the necessary instructions of the cloathier general for these purposes, the said legislature directed their delegates in Congress to lay the same before Congress for their approbation: whereupon the committee are of opinion, that the said transactions, advice, and directions of the said council of war and legislature, and the advance of cloathing made by the said agent cloathier, in consequence thereof, were advisable, and agreeable to the spirit and intention of the said resolution of Congress of the 22 [26] November, 1777:" Whereupon,

Resolved, That Congress do approve of the said transactions, advice and instructions of the council of war and legislature of the State of Rhode Island, and of the advance of clothing made in consequence thereof by the agent cloathier.[1]

Congress resumed and proceeded on the consideration of the report of the committee on finance, to which an amendment being moved,

Ordered, That the report, with the amendment, be referred to a committee of five:

[1] This report, in the writing of Henry Marchant, is in the *Papers of the Continental Congress*, No. 20, I, folio 201.

The members chosen, Mr. M[eriwether] Smith, Mr. [Elbridge] Gerry, Mr. [John] Witherspoon, Mr. [Richard Henry] Lee, and Mr. [Roger] Sherman.[1]

Ordered, That Thursday next be assigned for fixing the salaries and nominating the officers of the treasury on the new establishment; and that Saturday next be assigned to electing the said officers.

The Committee on the Treasury brought in a report: Whereupon,

||*Ordered*,|| That a warrant issue on the treasurer in favour of Mr. James Smith, one of the delegates of Pensylvania, for 600 dollars, advanced upon his application; for which the said State is to be accountable:

That a warrant issue on the treasurer in favour of the delegates of Georgia, for 1,339 60/90 dollars, to enable them to advance the said sum to Captain Rawleigh Downman, for subsisting his company whilst on the recruiting service; the said state to be accountable:

That a warrant issue on the treasurer in favour of Matthew Irwin, Esq. late deputy commissary general, for sventy-five thousand dollars, to compleat the sum of 200,000 dollars, which Joseph Trumbull, Esq. deceased, late commissary general, in a letter of credit of the 14 day of August, 1777, to the President of Congress, applied for as an advance to Mr. Irwin, and that the same be charged to the account of Mr. Joseph Trumbull.[2]

[1] In the margin, Charles Thomson has written:

The parts of the report agreed to are as follows:

Art. 1. That it will be proper to negotiate as soon as possible a loan of five millions sterling in Europe: passed, 29 September, 1778.

Art. 4. That it will be proper to call on the several states to pay in their quotas of ten millions of dollars: passed, October 6, 1778.

Art. 8. That all limitations of prices of gold and silver be taken off: passed, October 8, 1778.

Art. 9. That the states be called on for permanent funds to the amount of three millions dollars annually for ten years as a sinking fund: passed, 10 October.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 615.

Resolved, That Joseph Clay, Esq. deputy pay master general in the State of Georgia, be empowered and directed to pay into the hands of the deputy commissary, the deputy quarter master, and the deputy cloathier general, in the said State, (they obtaining a warrant from the commanding officer in the southern department,) such sum or sums of money as may be wanting in their respective departments; each of them to be accountable; and that the said deputy pay master general do transmit the accounts of the sums he may so advance to the several officers at the head of the above mentioned departments.

Resolved, That the deputy commissary, the deputy quarter master, and the deputy cloathier general, in the State of Georgia, when they deliver their respective accounts of expenditures to the deputy pay master general, do cause to be specified, on the receipts of the said accounts, that the same were paid in continental currency, and that the sum be fully expressed in words.

Resolved, That the said deputy pay master general be also empowered and directed to pay the officers and men belonging to the continental gallies in the State of Georgia, the monthly wages that are or may be due to them, he transmitting at the end of every month an account of the same to the Board of Treasury.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY OCTOBER 14, 1778

A letter, of 13, from J. Wadsworth, commissary general of purchases, ||was read,|| with an account of his receipts and expenditures, amounting to six million five hundred thousand dollars:

Ordered, That the same be referred to the Board of Treasury.

A letter, of this day, from Chevalier de la Neuville, was read:[1] Whereupon,

Resolved, That a brevet commission of brigadier be granted to Monsr. de la Neuville, the elder, in the army of the United States of America, to be dated 14 August, 1778.

A letter, of 12th, from Mr. Deane, accompanied with his remarks on the extracts from the letters of Mr. Izard, and also with his remarks on the extracts from the letter from Mr. A. Lee, with which Mr. Deane was furnished; which were read:

Ordered, That a copy of the remarks on the extracts of the letters from Mr. Izard be made out and transmitted to Mr. Izard, and Mr. President be furnished with a duplicate thereof.

Ordered, That a copy of the remarks on the extracts of the letters from Mr. Izard and Mr. A. Lee be made out and transmitted to Mr. A. Lee.

Ordered, That Monday next be assigned for the further examination of Mr. W. Carmichael, and that Mr. Carmichael be directed to attend on that day.

Sundry memorials from the hon. the Sieur Gérard, minister plenipotentiary of France, were read, respecting the prisoners of the King of France:

Ordered, That the same be referred to the Marine Committee, with orders to carry into execution the requisitions of Monsieur Gérard.

A copy of a letter from Count d'Estaing to Hon. Sieur Gérard, dated Harbour of Boston, September 29, 1778, with sundry papers accompanying the same, was read:[2]

Ordered, That the same be referred to a committee of three:

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 83.

[2] The original letter is in the *Papers of the Continental Congress*, No. 164, folio 579. On the reverse of the copy Laurens has noted the names of Adams, Drayton and Witherspoon as nominated for the committee.

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. G[ouverneur] Morris, and Mr. M[eriwether] Smith.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, OCTOBER 15, 1778

A letter, of 16 September, from the navy board in the eastern district; one, of 6th instant from Jonathan Trumbull, Jun. Esq. and one of 25 September, from Meshech Weare, Esq. || president of New Hampshire,|| were read.

A letter, of 6, from Governor Trumbull, with a memorial and petition of William Hoskins enclosed,[1] was read:[2]

Ordered, That it be referred to a committee of four:

The members chosen, Mr. R[ichard Henry] Lee, Mr. [Josiah] Bartlett, Mr. [Oliver] Ellsworth, and Mr. S[amuel] Adams.

An invoice of the cargo of the *Duchess de Gramont*, which arrived some time ago, was laid before Congress:

Ordered, That it be referred to the committee on cloathing.

The president addressed Congress as follows:

"Gentlemen: I informed you yesterday that I had received a letter from Mr. Izard. I have since perused it and find in it traits reflecting highly on Doct. Franklin in his public character; I have observed in this, the rule which guided me in the late case of Mr. Izard's letters. I have communicated the contents of the letter and papers accompanying it to no body. I have consulted no body, I act according to my own judgment unbiassed and impartial. Mr. Izard's wish that these papers may be com-

[1] The letter of the Navy Board is in the *Papers of the Continental Congress*, No. 37, folio 125.

[2] The letter of Jonathan Trumbull, Jr., is in the *Papers of the Continental Congress*, No. 78, XXII, folio 601; that of Weare, in No. 64, folio 45; that of Governor Trumbull, in No. 66, I, folio 414; and that of Hoskins, on folio 418.

municated to Congress appears to me to preclude option on my part. I therefore offer the letter and papers; if the house is pleased to receive and have them read, I will deliver them to the secretary for that purpose. I have delayed offering these papers earlier in hopes of seeing a full house, and had directed the absent members to be summoned. I have not read any of the papers, the letter excepted.

Ordered, That the letter from Mr. Izard and the papers accompanying it be received and read.

A letter of 28 June, last, from Mr. R. Izard at Paris with sundry papers accompanying the same was then read.

Ordered to lie on the table for the perusal of the members.

At a Board of War, *October 2, 1778.*

Present, Mr. Duer, Colonel Pickering and Mr. Peters.

The Board having taken into Consideration the Petition of Capt. Francis Tartanson, referred to them by Congress have examined into the Facts therein sett forth and find, That Captain Tartanson being a supernumerary Officer was sent to North Carolina to recruit, and on being appointed in the New Arrangement, came back with Col. Hazen's Regiment to Camp. That he incurred considerable Expence in his Journey to North Carolina, beside the Loss of an Horse, and whether Congress will think him entitled to the Expences of his Journey to N. Carolina as an Officer sent on Command or not, the Board are in Doubt, as no Allowance has heretofore been made to Officers in like Circumstances. His Baggage appears to be lost thro' a Want of Care, and the Board cannot ascertain its Value but from his own Account. It appears that he has conducted himself well while in our Service, that he is a brave Man and has been wounded at Germantown Battle. He is in Distress, and the Board can only recommend him as an Object of the Generosity of Congress, if they think it prudent to extend it. But as the Board have not discovered any Precedent for reimbursing Officers, however they may be Objects of private Concern, who have lost Baggage or Horses not in Battle, and are of Opinion ill Consequences

would flow from establishing a Precedent, we therefore beg Leave to report to Congress,

That the Petition of Captain Francis Tartanson, late of the 3d N. Carolina Regiment, praying a Compensation for Baggage and an Horse lost by Accident and not in Battle, be dismissed.[1]

THREE O'CLOCK P. M.

Congress having received intelligence that a number of vessels are engaged in New York by the commissioners of his Britannic majesty, to go with flags to the several states in this union, for the purpose of spreading among the inhabitants a manifesto and proclamation, published by the said commissioners at New York, on the third day of October inst. for the purposes of sedition, &c.

Ordered, That the said paper of intelligence be committed to a committee of five:

The members chosen, Mr. G[ouverneur] Morris, Mr. [William] Duer, Mr. [John] Mathews, Mr. [Richard Henry] Lee, and Mr. [Elbridge] Gerry.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, OCTOBER 16, 1778[2]

A letter, from Major General Lord Stirling, dated 13 October || was read: ||[3]

Referred to the Committee of Intelligence.

Ordered, That the same be published, or such parts thereof as the committee judge proper.

A letter, of this date, from J. Wadsworth, || Esq. commissary general of purchases, || was read:

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 293. It is indorsed: "Received in Congress, 12 o'Clock, 15th October, when Mr. I[zard]'s letters were in reading." No mention of it appears in the Journals.

[2] In margin Charles Thomson has written: "N. B. The secretary absent by sickness, and the minutes made up from loose papers w^{ch} is reason of confusion in the 3 or 4 days following minutes."

[3] This letter is in the *Papers of the Continental Congress*, No. 162, folio 527.

Ordered, That it be referred to the Marine Committee.

A petition of George Rice, of the 11th Virginia regiment, was read, praying relief for the loss of 650 dollars:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Harvie, Mr. [John] Mathews, and Mr. [Nathaniel] Scudder.

A report from the auditor general, was read:

Ordered, That it be referred to the Board of Treasury.

A letter from Captain Cosmo Medici was read:

Ordered, That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the pay master of the Board of War and Ordnance, for one million of dollars, to be by him transmitted to William Palfrey, Esq. pay master general, for the use of his department; he to be accountable.

Resolved, That the commissioners of accounts in the northern and eastern departments be respectively directed forthwith to repair, with all the books, accounts, and other papers of their offices, to the Board of Treasury.[1]

The committee to whom was referred the letter from Colonel Pickering, brought in a report; Whereupon,

Resolved, That, in consideration of the greatly increased expence of living, since the salaries of the commissioners of the war office were established, and of the extraordinary expences incurred by their public station, the sum of four thousand dollars per annum, to commence from this day, be paid to Colonel Pickering and Mr. Peters, respectively, as acting members of the Board of War; this salary to be reduced by Congress when circumstances

[1]This report, dated October 15, is in the *Papers of the Continental Congress*, No. 136, II, folio, 623.

are so far altered as to render the reduction reasonable and necessary:

That Colonel Pickering have leave of absence for eight weeks, to go home, but to return sooner, if his private affairs will admit.

The committee to whom was referred the intelligence of the enemy's design to send certain seditious papers into these states, under cover of flags, brought in a report; whereupon, Congress came to the following resolution:

Whereas Congress, on the 22 day of April, 1778, did resolve, that any man, or body of men, who should presume to make any separate or partial convention or agreement with commissioners under the crown of Great Britain, or any of them, ought to be considered and treated as open and avowed enemies to the United States: and whereas Congress have received intelligence that the commissioners of the king of Great Britain are about to send, under the sanction of a flag, certain seditious papers, under the name and title of manifestos, to be distributed throughout these United States, with a view to stir up dissentions, animosities and rebellion, among the good people of these states: and whereas such practices are contrary to the laws of nations, and utterly subversive of the confidence necessary for those means which have been invented among civilized nations to alleviate the horrors of war; and therefore the agents employed to distribute the said papers are not entitled to protection from a flag, while engaged in the prosecution of such nefarious purposes:

Resolved, That it be recommended to the executive powers of these United States, to take up and secure in safe and close custody all and any person and persons who, under the sanction of a flag or otherwise, may be concerned or engaged in the purposes aforesaid: and farther,

that the papers aforesaid be printed in the several gazettes, more fully to convince the good people of these states of the insidious designs of the said commissioners.

Ordered, That the committee have leave to sit again.

The committee to whom was referred the letter from Major General Heath, brought in a report; Whereupon, Congress came to the following resolutions:

Whereas Congress, on the 11th day of September last, resolved and directed, that application should be made to Sir Henry Clinton for passports to American vessels to transport provisions and fuel to Boston, for the use of the prisoners under the convention of Saratoga; the said passports to be subject to such restrictions as should be agreed on between the Generals Washington and Sir Henry Clinton; and that General Washington inform General Clinton, that if such passports be not granted within three days after application made, or measures adopted by him for sending to the port of Boston ample supplies of provisions and fuel for the convention prisoners, on or before the 5th day of October, Congress would deem themselves justifiable in removing the said prisoners to such part of the United States as they can be best subsisted in: and whereas application has been made, and information given, to General Sir Henry Clinton, pursuant to the resolution aforesaid, but to no effect; and whereas the continuing the troops before mentioned in the State of Massachusetts bay, or any of the eastern states, and subsisting them there, if practicable, will be very prejudicial to the inhabitants of the said states:

Resolved, That General Washington be directed, if neither of the alternatives mentioned in the above resolve have been complied with, to take the necessary steps for removing, with all convenient speed, all the prisoners of the convention of Saratoga to the town of Charlotteville, in the county of Albemarle, in the State of Virginia.

In debating this resolution, a motion was made, after the word "Saratoga," to insert the words following, "to the barracks at Lancaster and Yorktown, in the State of Pennsylvania, to Fort Frederick, in the State of Maryland, and:"

On which the yeas and nays being required by Mr. [William] Duer,

New Hampshire,			*Maryland*,		
Mr. Bartlett,	no	no	Mr. Henry,	ay	*
Massachusetts Bay,			*Virginia*,		
Mr. Gerry,	ay	*	Mr. Harvie,	no	no
Holten,	no		R. H. Lee,	no	
Rhode Island,			M. Smith,	no	
Mr. Marchant,	no	no	*North Carolina*,		
Connecticut,			Mr. Penn,	no	no
Mr. Sherman,	no	no	Harnett,	no	
Ellsworth,	no		Williams,	ay	
New York,			*South Carolina*,		
Mr. Lewis,	no	div.	Mr. Laurens,	no	no
Duer,	ay		Mathews,	no	
New Jersey,			*Georgia*,		
Mr. Scudder,	no	no	Mr. Walton,	no	no
Pennsylvania,			Telfair,	no	
Mr. Clingan,	no	no	Langworthy,	no	

So it passed in the negative.

Resolved, That the Board of War appoint a proper person to superintend and take charge of the said prisoners; that they contract for the fuel for their use, and apply to the governor and council of Virginia, for a sufficient force of milita to guard the said prisoners:

That the commissary general of purchases provide a suitable supply of provision for the said troops:

That the commissary general of issues appoint a suitable person to issue provisions to the said troops, and keep a regular account thereof:

That regular accounts for provisions and fuel be made and transmitted, from time to time, to the Board of War:

That the Board of War be directed to contract with a proper person, to build temporary log barracks for the reception of the said troops, at the place above mentioned, on or before the 15 day of December next, and that they report to Congress the contract they may enter into.

THREE O'CLOCK, P. M.

A letter, of 6, from Major General Schuyler, and one of this date, from Major General Lee, were read:[1]

A motion being made in the words following:

Whereas frequenting play houses and theatrical entertainments has a fatal tendency to divert the minds of the people from a due attention to the means necessary for the defence of their country, and the preservation of their liberties:

Resolved, That any person holding an office under the United States, who shall act, promote, encourage or attend such plays, shall be deemed unworthy to hold such office, and shall be accordingly dismissed.

The previous question was moved, and put,

Passed in the negative.

It was then moved in right of a State, that the determination of the main question be postponed to the next day, on which a debate ensued:

Whereupon, it was moved to take the sense of the house,

Whether, after the previous question having been put and lost, it is consistent with the 12th and 13th rules of the house to postpone the main question in right of a State:

And on this the yeas and nays being required by Mr. [William] Duer,

[1] The letter from Schuyler is in the *Papers of the Continental Congress*, No. 153, III, folio 356; that of Lee is in No. 158, folio 121.

New Hampshire,		
Mr. Bartlett,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	no	no
Gerry,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Sherman,	no	no
Ellsworth,	no	
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Witherspoon,	no	no
Elmer,	no	
Scudder,	no	
Pennsylvania,		
Mr. R. Morris,	ay	no
Roberdeau,	no	
Clingan,	no	
Maryland,		
Mr. Henry,	ay	*
Virginia,		
Mr. R. H. Lee,	no	no
M. Smith,	no	
Griffin,	ay	
North Carolina,		
Mr. Harnett,	ay	ay
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Mathews,	no	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	no	
Langworthy,	ay	

So it passed in the negative.

The main question was then put, the yeas and nays being required by Mr. [William] Duer,

New Hampshire,		
Mr. Bartlett,	ay	av
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Ellsworth,	ay	
New York,		
Mr. Lewis,	no	no
Duer,	no	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Pennsylvania,		
Mr. R. Morris,	no	ay
Roberdeau,	ay	
Clingan,	ay	
Maryland,		
Mr. Henry,	no	*
Virginia,		
Mr. R. H. Lee,	ay	no
M. Smith,	no	
Griffin,	no	

North Carolina,			*Georgia*,		
Mr. Penn,	no		Mr. Walton,	no	
Harnett,	no	no	Telfair,	no	no
Williams,	no				
South Carolina,					
Mr. Laurens,	ay				
Drayton,	ay	ay			
Mathews,	no				

So it was resolved in the affirmative.

Ordered, That the resolution be published.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 17, 1778

Congress met, and adjourned to three o'clock.

Three o'Clock, p. m.

A letter, of 16, from Count Pulaski, was read:

Ordered, That it be referred to the Committee of Intelligence.

A letter, of 16, from Major General the Marquis de la Fayette, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. G[ouverneur] Morris, Mr. J[oseph] Reed, and Mr. [James] Henry.

A letter, of 16, [14] from General Conway, was read:[1]

Ordered, To lie on the table.

A letter, of 9th, from Brigadier Stark, was read:

Ordered, That it be referred to the Board of War.

Ordered, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in Pensylvania, in favour of the Board of War, for thirty thousand dollars,

[1] The letter of Pulaski is in the *Papers of the Continental Congress*, No. 164, folio 19; that of Lafayette is in No. 156, folio 35; that of Conway, in No. 159, folio 493. It was enclosed in Lafayette's.

for the purpose of erecting barracks in the county of Albemarle, in the State of Virginia, for the accommodation of the troops under the convention of Saratoga.

Ordered, That a letter be written by the President to Major General Lord Stirling, informing him that the bearer, Mrs. Yard, is permitted to return to this city, with her trunks and baggage, without any examination, and that she be permitted accordingly.

Ordered, That the president write to Governor Henry, requesting him to forward, with all possible expedition, the one thousand men formerly required by Congress to be sent to South Carolina; and that Governor Caswell, of North Carolina, be also requested to forward the 3000 men required of that State, for the defence of South Carolina and Georgia, together with an addition of two thousand men, to be raised and forwarded to Charleston, with all possible expedition, at the charge of the Continent.

The committee to whom was referred the letter from Count d'Estaing, brought in a report; Whereupon,

Resolved, That his Excellency Count d'Estaing hath behaved as a brave and wise officer, and that his Excellency, and the officers and men under his command, have rendered every benefit to these states, which the circumstances and nature of the service would admit of, and are fully entitled to the regards of the friends of America.

Resolved, That the President transmit the foregoing resolution to his Excellency the Count d'Estaing, and inform his Excellency that Congress entertain the highest sense of his zeal and attachment manifested in repeated instances, and particularly in his spirited offer to lead the troops under his command from Boston, and to co-operate against Rhode Island.

The Commissioners of Claims at the Treasury Office having liquidated, and reported to the Auditor General the Account undermentioned, he begs leave to Report the same to Congress for allowance:

There is due to Captain William Peery, for Pay and contingent Expences of his Independent Company stationed in the Delaware State, from the 1st January to the 30th September, 1778, inclusive, a Balance of one Thousand one Hundred Dollars and 36/90, as appears by a particular state of his Accounts, herewith laid before Congress.

Captain Peery stands charged in the Treasury Books with three Thousand seven Hundred Dollars, yet unaccounted for, but he promises to do it, by Pay Rolls &c., of his Company from August 31st to December, 1777.[1]

The Court of Appeals beg leave to report to Congress:

That the ship, *Anna Maria* was captured by the privateer, *Revenge*, Joseph White, Commander, and libeled in the Admiralty Court, in the State of Massachusetts Bay; That Daniel Bucklin, Commander of the private schooner of War, called the *Montgomery* put in a Claim to the said ship *Anna Maria* on behalf of himself and all others concerned in the armed schooner, *Montgomery*, setting forth that at the Time of the Capture, the aforesaid privateers, *Montgomery* and *Revenge*, were in consort and jointly concerned in making the same; yet it was so determined in the said Court that final Sentence of Condemnation passed therein against the said prize ship, for the sole use of the Owners and others concerned in the said privateer, *Revenge:* From which Sentence the said Daniel Bucklin, appealed according to the Laws and usage of the State of Massachusetts Bay, to the Superior Court of Judicature, within the same State, by whose determination, the Sentence of the Court below was confirmed; From which Decree of Affirmance, the said Daniel Bucklin prayed an Appeal in open Court to Congress which was refused by the Justices of the said Court.

The Court of Appeals beg leave further to report that by the laws of the State of Massachusetts Bay, from all Judgments or Sentences given in the Court of Admiralty on the Capture of any vessel by an armed vessel of the United States, an appeal is allowed to the Continental Congress. But where the Capture is made by any other armed Vessel than those in the Service of the United States, an appeal is allowed only to the Superior Court within the State. In this case the privateer *Revenge* which took the prize ship *Anna Maria* was fitted out by certain Individuals in the State of Massachusetts Bay, and therefore the Judges holding themselves bound by the Laws of the said State, refused an Appeal.

[1] This report, dated October 17, is in the *Papers of the Continental Congress*, No. 136, II, folio 629. It is endorsed: "Negatived, the 20th October, the Warrant destroyed."

This Law your Court of Appeals, conceive has a very dangerous tendency to interrupt the peace, Safety and Union of the United States and is in direct violation of the resolve of Congress which grants an appeal in all Cases. It is necessary that a speedy Decision should be given upon the validity of this Law, so far as it contravenes the resolve of Congress, and that it may go with the more weight to the States the Court have referred the Matter to Congress.[1]

Adjourned to 9 o'Clock on Monday.

MONDAY, OCTOBER 19, 1778

A letter, of 6, from James Deane, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Witherspoon, Mr. G[ouverneur] Morris, and Mr. [William Henry] Drayton.

A letter, of 13, from Mr. C[harles] Stewart, was read: Whereupon,

Resolved, That Major James Gray be appointed deputy commissary general of issues in the northern department.

A letter, of 17, from Major General Lord Stirling, was read:[2]

Whereas, by the 8th article of the articles of confederation and perpetual union, agreed upon for the United States of North America, it is provided, that all expences for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury to be supplied by the several states, in proportion to the value of all lands within each State, granted to, or surveyed for any person, as such land, and the buildings and improvements thereon, shall

[1] This report, in the writing of John Henry, is in the *Papers of the Continental Congress*, No. 59, II, folio 367. It is endorsed: "Appeals delivered 17 October [1778?] by Mr. Griffin, said to have been left in his hands by Mr. Harvie." It may never have been submitted to Congress. See under August 4, 1777.

[2] The letter of Deane is in the *Papers of the Continental Congress*, No. 78 VII, folio 217; that of Stewart, is in XX, folio 319; that of Stirling, in No. 162, folio 531.

be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint:

And, whereas, the value aforesaid must, from the nature of things, frequently change, and frequent valuations thereby become necessary: therefore,

Resolved, That it be recommended to the several states to instruct their delegates to fix the period of such valuation.

Resolved, That in the opinion of Congress five years will be a proper term for that purpose.

||Adjourned to 9 o'Clock to Morrow.||

TUESDAY, OCTOBER 20, 1778

An appeal from the judgment of a court of admiralty for the State of Pensylvania, on the libel of "Yelverton Taylor, &c. *versus* the sloop *Polly*," was lodged with the secretary and referred to the Committee on Appeals.

Also an appeal from the judgment of a court of admiralty for the State of Rhode Island and Providence Plantations, on the libel "Charles Jenks, &c. *versus* sloop *Fancy*," was lodged with the secretary at his chamber, on the 16th, and referred to the Committee on Appeals.

A letter, of this day, from Jeremiah Wadsworth, commissary general of purchases, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [Roger] Sherman, and Mr. [Henry] Marchant.

The Committee, to whom was referred the Letter of Colonel Jeremiah Wadsworth, Commissary General of purchases, of the 20th of October last, requesting permission to resign his said Office by the first day of January next, Report:

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 573.

That on conference with Colonel Wadsworth it appears that his desire of resigning his Office is not for want of inclination to render to the public every service in his power; but from the great difficulties attending the execution of that important office, under present circumstances, he fears he shall not be able to do it to good satisfaction: But the Committee are of opinion that Colonel Wadsworth from his experience in that business will be better able to surmount the difficulties attending it, than another person who has not had such experience, therefore it will not be expedient to permit him to resign, but that he be requested to continue in the execution of his office, and assured that every proper measure will be taken by Congress to facilitate the execution thereof.[1]

A letter, of 14th, from General Washington, and a letter of 12 September, from Major General Heath, with a paper of intelligence enclosed, were read. Also a letter, of this day, from Christopher Hele, lieutenant of the *Preston* man of war, || was read:||[2]

Ordered, To lie on the table.

A memorial of Gershom Mott and Robert Walker. in behalf of themselves and others, captains in the regiment of artillery commanded by Colonel John Lamb, accompanied with sundry papers therein referred to, was read:[3]

Ordered, That it be referred to the Board of War.

A letter, of 22 September, from Colonels Morgan, Williams and Davies, enclosing four memorials of same tenor and date, but signed differently by the field officers and captains with the army, was read:[4]

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 577.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 399; that of Heath, in No. 157, folio 200; and that of Hele, in No. 78, XI, folio 397.

[3] This memorial is in the *Papers of the Continental Congress*, No. 147, II, folio 411.

[4] This letter is in the *Papers of the Continental Congress*, No. 41, VII, folio 191. It is endorsed by Laurens: "Delivered me, with other papers, by Mr. Griffin, as from Mr. Harvie, who had left them in his hands."

Ordered, To lie on the table, until Congress have fully considered and determined on the report of the committee of arrangement.

A letter, of the 18, from David Franks, directed to Moses Franks, and one signed Matthew Clarkson, A. D. camp, and directed to General Maxwell, or in his absence, to Colonel Shrieve, were laid before Congress, and read:

Ordered, That that they be referred to a committee of three:

The members chosen, ~~Mr. Gerry~~ Mr. [William] Duer, Mr. [Daniel] Roberdeau, and Mr. [William Henry] Drayton.

A memorial from Griffin Greene & Co. was read:[1]

Ordered, That it be referred to a committee of three, and that they confer thereon with the commissary general of purchases:

The members chosen, Mr. [John] Mathews, Mr. [Francis] Lewis, and Mr. M[eriwether] Smith.

A letter, of 14, from Major Gen. Marquis de la Fayette, was read.

Resolved, That the sum of one hundred thousand dollars, be transmitted by the Board of War to Benjamin Harrison, jun. Esq. deputy pay master general in the State of Virginia, for paying the arrears due to the continental troops in that State, and for the balance due to the militia of that State that were in continental service the last year, and for the pay and subsistence of the continental troops and levies recommended to be sent from that State to Charleston, for the defence of the states of South Carolina and Georgia; he to be accountable.

Resolved, That the sum of one hundred and fifty thousand dollars be transmitted by the Board of War to William Blount, Esq. deputy pay master general in the State

[1] This memorial is in the *Papers of the Continental Congress*, No. 41, III, folio 395.

of North Carolina, for the pay and subsistence of the levies recommended to be sent from that State to Charleston, for the defence of the States of South Carolina and Georgia, he to be accountable.

Resolved, That the sum of one million of dollars be transmitted by the Board of War to John Lewis Gervais, Esq. who is hereby unanimously appointed deputy pay master general in the State of South Carolina, for the pay and subsistence of the continental troops and levies ordered to Charleston for the defence of the states of South Carolina and Georgia; he to be accountable.

THREE O'CLOCK, P. M.

A letter, of 18, from Mr. President Rodney, of Delaware, was read:[1]

A letter, of 10, from William Pynchon, of the county of Hampshire, in the State of Massachusetts bay, was read, informing, that he has received, for the use of the Continent, one hundred and twenty pounds, money of that State, and desiring to know to whom he shall pay the same:

Ordered, That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq. commissioner of the ||continental|| loan office in the State of Pensylvania, for one hundred and fifty thousand dollars in favour of James Mease, Esq. cloathier general, to enable him to compleat the payment of balances due from his department; for which he is to be accountable:[2]

[1] The letter of Rodney is in the *Papers of the Continental Congress*, No. 70, folio 667.

[2] This report, dated October 14, is in the *Papers of the Continental Congress*, No. 136, II, folio 621.

That a warrant issue on the treasurer in favour of Major John Clark, for eight hundred and fifty dollars, in discharge of William Palfrey, Esq. pay master general, his bill on the President of Congress, for that sum, in favour of Major Clark, dated the 25 September, 1778; the said pay master general to be accountable:

That a warrant issue on David Rittenhouse, Esq. treasurer, of the State of Pensylvania, in favour of the Marine Committee, for five thousand dollars, advanced upon their application, to be paid out of the public tax laid in the said State, agreeable to resolution of Congress of the 22d November last; for which the said committee is to be accountable:

That, upon the application of the Board of War and Ordnance, a warrant issue on David Rittenhouse, Esq. treasurer of the State of Pensylvania, in favour of Brigadier Count Pulaski, for ten thousand dollars, on account of his corps, for which he is to be accountable; which sum is to be paid out of the public tax laid in the said State, agreeable to resolution of Congress of 22 November last:

That a warrant issue on the treasurer in favour of Captain Cosmo Medici, for one thousand five hundred dollars, in satisfaction of his account of expences of himself and four troopers, escorting loan office certificates to the southern states:[1]

That a warrant issue on the treasurer in favour of Mr. J[onathan] Elmer, a delegate from the State of New Jersey, for two hundred dollars, advanced upon his application; the said State to be accountable:

That a warrant issue on the treasurer in favour of Mr. N[athaniel] Scudder, a delegate from the State of New

[1] This report, dated October 17, is in the *Papers of the Continental Congress*, No. 136, II, folio, 631.

Jersey, for five hundred dollars, advanced upon his application; the said State to be accountable.[1]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to the Rev. Mr. White, for his pay as chaplain to Congress, from the 1st October, 1777, to the 1st October, 1778, seven hundred and twenty dollars, and for his rations and subsistence during the same time, three hundred and three and six ninetieths dollars, making in the whole, 1023 6/90 dollars:

That there is due to William Woodhouse, for stationary for the use of Congress, one hundred and five and 60/90 dollars:

That there is due to George Bright, for superintending the making of paper for loan office certificates, twenty five days, one hundred and fifty dollars:

That there is due to Robert Patton, his pay as doorkeeper to Congress, from 16 June to the 13 October, 1778, inclusive, two hundred and forty dollars:[2]

That there is due to sundry persons for articles for the public entertainment on 4th of July last, two thousand eight hundred and thirty-five sixty-nine ninetieths dollars, of which the committee appointed to conduct the said entertainment have received for articles sold, two hundred and eighty-nine and 15/90 dollars, which leaves a balance of 2546 54/90 dollars; which ought to be paid to Mr. Mathews:[3]

Ordered, That the said accounts be paid.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 635.

[2] This report, dated October 16, is in the *Papers of the Continental Congress*, No. 136, II, folio 625. Patton specified "a glass Ink Pott for the President, two thirds of a dollar."

[3] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 633. The report recited: "The Particulars of the Bills many of them appear high charged, but the Difficulty is to know how to reduce them. Congress will be pleased to determine if any Reduction should be made."

A letter, of this day, from the Board of War, was read:[1]

Ordered, To lie on the table.

Resolved, That on Friday Congress will take under consideration the proceedings of the court martial on Major General Lee, immediately after reading the public letters and taking order on them, and that all the members in town be summoned to attend.

The committee to whom was referred a letter of 25 September, from Peter Colt, Esq. brought in a report; Whereupon,

Ordered, That a warrant issue on Nathaniel Appleton, Esq. commissioner of the continental loan office in the State of Massachusetts bay, for seventy thousand dollars: another warrant on John Lawrence, Esq. treasurer of the State of Connecticut, for one hundred thousand dollars, being part of the sum to be raised by the said State, for supplying the continental treasury: and one other warrant on John Lawrence, Esq. commissioner of the continental loan office for the State of Connecticut, for twenty thousand dollars, in favour of Peter Colt, Esq. deputy commissary general of purchases, to enable him to discharge the debts which he contracted under William Buchanan, Esq. late commissary general of purchases, who is to be accountable for the said sums, amounting to one hundred and ninety thousand dollars, and to be furnished with a copy of this order.

Resolved, That Mr. Colt be directed to transmit to the Board of Treasury the accounts of purchases made under the direction of William Buchanan, Esq. late commissary general of purchases, in order for settlement.

That the Commissary and Quarter Master General be directed forthwith to contract with their Deputies and Assistants respectively, and

[1] This letter, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 343.

allow them fixed salaries for discharging the Duties of their Offices; and as an Encouragement to the said Deputies and Assistants to use their utmost endeavours for reducing the high Prices of Articles in their respective Departments, that each be allowed p. cent, on all savings which they may make by purchasing such Articles at Prices less than those at which they are now obtained; provided that the allowance now made to the Commissary, and Quarter Master General shall be continued.[1]

Whereas by a resolution of Congress of the 22 April, 1777, it is provided, that the several commanding officers of parties, detachments or corps on their march to or from the camp, shall send to the military hospitals such of their officers and soldiers as, from time to time, are unable to proceed, unless from the distance of the hospitals or other causes, it shall at any time be necessary to deliver them to the care of private physicians or surgeons, in which cases the deputy director general shall discharge the reasonable demands of the physicians and surgeons conducting, agreeably to the said resolve.

And, whereas, no provision is therein made for discharging the accounts of other persons who have been or may be employed by proper officers for taking care of and providing for such officers and soldiers:

Resolved, That the deputy directors general be respectively authorized and instructed to discharge such of the said accounts as shall appear to be reasonable and just, provided that each person who may hereafter be employed to provide for officers and soldiers as aforesaid, shall give the earliest notice thereof to the deputy director general, or the physician or surgeon general of the district, in order for their speedy removal to the military hospitals.

[1] This report is in the *Papers of the Continental Congress*, No. 19, I, folio 579. It is endorsed: "Read and debated 19 October. Two first resolves agreed."

Resolved, That Lieutenant Colonel du Cambray be ordered to repair with all convenient expedition to the State of South Carolina, for the purpose of putting the town and harbour of Charleston in the most respectable posture of defence, and to render such other service to the states of South Carolina and Georgia, as shall be required of him by the commanding officer of that department.

Resolved, That henceforward Congress meet only once a day: to meet precisely at ten o'Clock, and sit till three o'clock, P. M.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 21, 1778

The committee to whom were referred the letter from David Franks, &c. brought in a report; and,

The letter from David Franks, Esq. commissary of British prisoners, to Moses Franks, Esq. of London, enclosed, under cover to Captain Thomas Moore, of General Delancey's regiment, being read; Thereupon,

Resolved, That the contents of the said letter manifest a disposition and intentions inimical to the safety and liberties of the United States; and that Mr. Franks, having endeavoured to transmit this letter by stealth within the British lines, has abused the confidence reposed in him by Congress, to exercise within the jurisdiction of these states the office of commissary to the British prisoners.

Resolved, That General Arnold be directed to cause the said David Franks forthwith to be arrested, and conveyed to the new gaol in this city, there to be confined till the further order of Congress.

Resolved, That David Franks, Esq. be not, after the 10th day of November next, permitted to exercise, directly

or indirectly, the office of commissary to the British prisoners within the jurisdiction of the United States.

Resolved, That General Washington be directed to transmit a copy of these resolutions to Sir Henry Clinton, and to inform him, that Congress desire he will nominate a proper person who, having received their approbation, may exercise the office of commisary to the British prisoners.

Ordered, That the committee sit again, and consider by what process it may be proper to take cognizance of Mr. D. Franks's offence.[1]

Ordered, That 5000 dollars be advanced to Mr. President, for the purpose of paying expresses, ~~and other incidental charges and expences,~~ he to be accountable.

A letter, of 19, from Mr. J. Beatty, commissary of prisoners, enclosing a letter of 14, from Joshua Loring, of New York, was read, desiring to know the pleasure of Congress, whether he shall comply with Mr. Loring's application, for Lord Balcarras, and Captain Strangeways, both officers of the convention, to be permitted, on parole, to go and reside in England, in exchange for two American officers, who are suffered, on parole, to reside at their own homes;[2] Whereupon,

Resolved, That the commissary general of prisoners be informed, that Congress do not approve of partial and parole exchanges; but that they are willing to make a general exchange of officers, whether of the convention or otherwise, as far as number and ranks will apply.

A memorial from Mons. de Vrigny, was read, representing, that the term of his furlough from the court of France being expired, he is under the necessity of resigning his commission;[3] Whereupon,

[1] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, no. 19, II, folio 319.

[2] The letter of Beatty is in the *Papers of the Continental Congress*, No. 78, III, folio 201.

[3] This memorial is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 145.

Resolved, That his resignation be accepted.

Ordered, That so much of the said memorial as relates to pay and rations due to Mons. de Vrigny, be referred to the Board of Treasury.

Ordered, That a copy of the said memorial be sent to General Washington, and that he be empowered and directed to give Mons. de Vrigny such certificate and testimonial as his zeal and services may have entitled him to.

A memorial from the Baron de Randerode de Thuillieres, a native of Lorain, accompanied with sundry papers, was laid before Congress, and read:[1]

Ordered, That the same be referred to the committee on the memorial from Marquis de Britigny.

A representation from the State of New Jersey, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. G[ouverneur] Morris, Mr. [Nathaniel] Scudder, and Mr. [John] Witherspoon.

Resolved, That a committee of three be appointed to prepare a plan for procuring reinforcements of men to supply the places of those whose times of service will expire in the winter:

The members chosen, Mr. [William] Duer, Mr. [Roger] Sherman, and Mr. R[ichard] H[enry] Lee.

Resolved, That General Washington be directed to inform Congress of the progress which has been made in re-inlisting the army in consequence of the resolution of the 8 September.

The committee to whom was referred the letter from the Major General the Marquis de la Fayette, brought in a report; Whereupon,

Resolved, That the Marquis de la Fayette, major general in the service of the United States, have leave to go

[1] This memorial, dated October 21, is in the *Papers of the Continental Congress*, No. 41, X, folio 25.

to France; and that he return at such time as shall be most convenient to him.

Resolved, That the President write a letter to the Marquis de la Fayette, returning him the thanks of Congress for that disinterested zeal which led him to America, and for the services he hath rendered to the United States by the exertion of his courage and abilities on many signal occasions.

Resolved, That the minister plenipotentiary of the United States of America at the court of Versailles, be directed to cause an elegant sword, with proper devices, to be made and presented, in the name of the United States, to the Marquis de la Fayette.

The committee also reported the draught of a letter of recommendation of the Marquis to his most Christian Majesty the king of France, which was agreed to.

The same committee having been appointed to prepare a letter of credence, to his most Christian Majesty notifying the appointment of Benjamin Franklin, Esq. to be the minister plenipotentiary of these states at the court of France, and also the draught of instructions to the said minister, brought in a draught of the letter, which was agreed to.

To our great, faithful, and beloved friend and ally, Louis the Sixteenth, king of France and Navarre.

GREAT, FAITHFUL, AND BELOVED FRIEND AND ALLY,

The principles of equality and reciprocity on which you have entered into treaties with us, give you an additional security for that good faith with which we shall observe them, from motives of honour and affection to your majesty.

The distinguished part you have taken in the support of the liberties and independence of these states cannot but

inspire them with the most ardent wishes for the interest and glory of France.

We have nominated Benjamin Franklin, esquire, to reside at your court, in quality of our minister plenipotentiary, that he may give you more particular assurances of the grateful sentiments which you have excited in us, and in each of the United States. We beseech you to give entire credit to every thing which he shall deliver on our part, more especially when he shall assure you of the permanency of our friendship. And we pray God, that he will keep your majesty, our great, faithful, and beloved friend and ally, in his most holy protection.

Done at Philadelphia, the day of October, 1778. By the Congress of North America, your good friends and allies.

(Signed) H. L. *President.*

Attest.

C. T. *Secretary.*[1]

They also brought in a draught of instructions, which were taken into consideration: Whereupon,

A motion was made to strike out the word "protection," and instead thereof to insert the words "further assistance;" and the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*Connecticut*,		
Mr. Bartlett,	ay } ay		Mr. Sherman,	ay } div.	
Massachusetts Bay,			Ellsworth,	no }	
Mr. S. Adams,	no } div.		*New York*,		
Gerry,	ay }		Mr. Duer,	no } no	
Lovell,	no }		Morris,	no }	
Holten,	ay }				
Rhode Island,					
Mr. Marchant,	ay } ay				

[1] This letter, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 25, I, folio 35.

New Jersey,			*North Carolina*,		
Mr. Witherspoon,	no	no	Mr. Penn,	no	no
Scudder,	no		Harnett,	no	
Pennsylvania,			Williams,	no	
Mr. Roberdeau,	no	no	*South Carolina*,		
Clingan,	no		Mr. Laurens,	no	no
Maryland,			Drayton,	no	
Mr. Henry,	ay	*	Hutson,	no	
Virginia,			*Georgia*,		
Mr. R. H. Lee,	no	no	Mr. Walton,	no	no
M. Smith,	no		Telfair,	ay	
Griffin,	no		Langworthy,	no	

So it passed in the negative.

A motion was made to expunge the last clause, of 1st. instruction; viz. "You are farther to assure him, that they consider this speedy aid not only as a testimony of his Majesty's fidelity to the engagements he has entered into, but as an earnest of that protection which they hope from his power and magnanimity, and as a bond of gratitude to the union founded on mutual interest."

And on the question to agree to that clause, the yeas and nays being required by Mr. [Henry] Marchant,

New Hampshire,			*New Jersey*,		
Mr. Bartlett,	ay	ay	Mr. Witherspoon,	ay	ay
Massachusetts Bay,			Scudder,	ay	
Mr. S. Adams,	ay	div.	*Pennsylvania*,		
Gerry,	no		Mr. Roberdeau.	ay	ay
Lovell,	ay		Clingan,	ay	
Holten,	no		*Maryland*,		
Rhode Island,			Mr. Henry,	no	*
Mr. Marchant,	no	no	*Virginia*,		
Connecticut,			Mr. R. H. Lee,	ay	ay
Mr. Sherman,	no	div.	M. Smith,	ay	
Ellsworth,	ay		Griffin,	ay	
New York,			*North Carolina*,		
Mr. Duer,	ay	ay	Mr. Penn,	ay	ay
G. Morris,	ay		Harnett,	ay	
			Williams,	ay	

South Carolina,			*Georgia*,		
Mr. Laurens,	ay	ay	Mr. Walton,	ay	ay
Drayton.	ay		Telfair,	ay	
Mathews,	ay		Langworthy,	ay	
Hutson,	ay				

So it was resolved in the affirmative.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 22, 1778

Ordered, That Major General Arnold make immediate return to Congress of his proceedings in the execution of the order of Congress of yesterday, for the arrest and commitment of David Franks, Esq.

A memorial from the regimental surgeons and surgeons' assistants of the army of the United States of America, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Nathaniel] Scudder, Mr. [Samuel] Holten, and Mr. [Josiah] Bartlett.

A memorial from Captain John P. Schott, was read:

Ordered, That it be referred to the Board of War.

On motion, *Resolved*, That General Washington be directed to order Major General Gates, forthwith to repair to Boston, to take command of the continental forces that are or may be in the eastern district, until the farther orders of Congress or General Washington.

According to order, Major General Arnold having made return of his proceedings in execution of the order of yesterday, the same was read.[1]

Resolved, That to the end the arrears due to the militia of Virginia that have been in continental service, called

[1] This letter is in the *Papers of the Continental Congress*, No. 162, folio 149.

into such service by order of Congress or the Commander in Chief, may be speedily adjusted and paid, the governor and council of that State be requested to call upon the proper officers to produce authenticated abstracts, shewing the arrears due to such militia as have so served, and cause the same to be immediately paid by warrants from the governor on Benjamin Harrison, Jun, Esq. the deputy pay master in Virginia.

Congress resumed the consideration of the instructions to the minister plenipotentiary at the court of Versailles, which being amended were agreed to.

To the Honourable Benjamin Franklin, Esquire, Minister Plenipotentiary of the United States of North America to the Court of France.

We, the Congress of the United States of North America, having thought it proper to appoint you their minister plenipotentiary to the court of his most Christian Majesty, you shall in all things, according to the best of your knowledge and abilities, promote the interest and honour of the said states at that court, with a particular attention to the following instructions:

1. You are immediately to assure his most Christian Majesty, that these states entertain the highest sense of his exertions in their favour, particularly by sending the respectable squadron under the Count d'Estaing, which would probably have terminated the war in a speedy and honourable manner, if unforeseen and unfortunate circumstances had not intervened.

You are further to assure him that they consider this speedy aid, not only as a testimony of his Majesty's fidelity to the engagements he hath entered into, but as an earnest of that protection which they hope from his power and

magnanimity, and as a bond of gratitude to the union, founded on mutual interest.

2. You shall, by the earliest opportunity, and on every necessary occasion, assure the king and his ministers, that neither the Congress nor any of the states they represent, have at all swerved from their determination to be independent in July 1776. But as the declaration was made in face of the most powerful fleet and army which could have been expected to operate against them, and without any the slightest assurance of foreign aid, so, although in a defenceless situation, and harassed by the secret machinations and designs of intestine foes, they have, under the exertions of that force, during three bloody campaigns, persevered in their determination to be free. And that they have been inflexible in this determination, notwithstanding the interruption of their commerce, the great sufferings they have experienced from the want of those things which it procured, and the unexampled barbarity of their enemies.

3. You are to give the most pointed and positive assurances, that although the Congress are earnestly desirous of peace, as well to arrange their finances and recruit the exhausted state of their country, as to spare the further effusion of blood, yet they will faithfully perform their engagements, and afford every assistance in their power to prosecute the war for the great purposes of the alliance.

4. You shall endeavour to obtain the king's consent to expunge from the treaty of commerce the eleventh and twelfth articles, as inconsistent with that equality and reciprocity which form the best surety to perpetuate the whole.

5. You are to exert yourself to procure the consent of the court of France, that all American seamen, who may

be taken on board of British vessels, may, if they choose, be permitted to enter on board American vessels. In return for which, you are authorized to stipulate, that all Frenchmen who may be taken on board of British vessels, by vessels belonging to the United States, shall be delivered up to persons appointed for that purpose by his most Christian Majesty.[1]

6. You are to suggest to the ministers of his most Christian Majesty, the advantage which would result from entering on board the ships of these states, British seamen who may be made prisoners, thereby impairing the force of the enemy, and strengthening the hands of his ally.

7. You are also to suggest the fatal consequences which would follow to the commerce of the common enemy, if, by confining the war to the European and Asiatic seas, the coasts of America could be so far freed from the British fleets as to furnish a safe asylum to the frigates and privateers of the allied nations and their prizes.

8. You shall constantly inculcate the certainty of ruining the British fisheries on the banks of Newfoundland, and consequently the British marine, by reducing Halifax and Quebec; since, by that means they would be exposed to alarm and plunder, and deprived of the necessary supplies formerly drawn from America. The plan proposed to Congress for compassing these objects are herewith transmitted for your more particular instruction.

9. You are to lay before the court the deranged state of our finances, together with the causes thereof; and show the necessity of placing them on a more respectable footing, in order to prosecute the war with vigour on the part of America. Observations on that subject are herewith

[1] This paragraph was inserted after the report was laid before Congress. It is in the writing of William Duer. The 5th paragraph of the original report was rejected October 22, but was restored and stands as the 6th paragraph.

transmitted; and more particular instructions shall be sent whenever the necessary steps previous thereto shall have been taken.

10. You are, by every means in your power, to promote a perfect harmony, concord, and good understanding, not only between the allied powers, but also between and among their subjects, that the connexion so favourably begun may be perpetuated.

11. You shall in all things take care not to make any engagements, or stipulations, on the part of America, without the consent of Congress previously obtained.

11thly You shall endeavor to gain Intelligence of the Views, Objects and Designs of the French Court, as far as they may relate to or affect the Interests of these States; and of the Characters and Abilities of the Ministers and communicate the Result of your Enquiries and Observations to Congress from Time to Time.

Rejected 2 Qu. divided

We pray God to further you with his goodness in the several objects hereby recommended; and that he will have you in his holy keeping.

Done at Philadelphia, the 26th day of October, 1778.[1]

By the Congress.

H. Laurens, *President.*

Attest.

Charles Thomson, *Secretary.*

||Plan for reducing the Province of Canada, referred to in the Instructions of Honourable B. Franklin, Minister to the Court of France.||

PLAN OF AN ATTACK UPON QUEBEC.

That a number of men be assembled at Fort Pitt, from Virginia and Pennsylvania, amounting to one thousand five hundred rank and file; for which purpose three thou-

[1] See note under October 26, page 1064, *post.*

sand should be called for; and if more than one thousand five hundred appear, the least effective be dismissed. To these should be added one hundred light cavalry, one half armed with lances. The whole should be ready to march by the first day of June; and for that purpose they should be called together for the 1st day of May, so as to be in readiness by the 15th. The real and declared object of this corps should be to attack Detroit, and to destroy the towns, on the route thither, of those Indians who are inimical to the United States.

2. That five hundred men be stationed at or near Wyoming this winter, to cover the frontiers of Pennsylvania and New Jersey; to be reinforced by one thousand men from those states early in the spring. For this purpose, two thousand men must be called for to appear on the first of May, so as to be in readiness by the 15th. They must march on the first of June, at farthest, for Oncohquaga; to proceed from thence against Niagara. This is also to be declared.

3. That in addition to the garrison of Fort Schuyler or Stanwix, one thousand five hundred men be stationed this winter along the Mohawk river; and preparations of every kind made to build vessels of force on lake Ontario early next spring; and to take post at or near Oswego. A reinforcement of two thousand five hundred men, from the militia of New York and the western parts of Connecticut and Massachusetts Bay, must be added to these early in the spring; for which purpose a demand must be made of five thousand. A party, consisting of five hundred regular troops and one thousand militia, must march from Schenectady; so as to meet those destined to act against Niagara at Oncoghquaga. They should be joined by about one hundred light dragoons, armed as aforesaid, together with all the warriours which can be collected

from the friendly tribes. In their march to Niagara, they should destroy the Seneca and other townships of Indians who are inimical.

4. That two thousand five hundred men be marched from Fort Schuyler, as early as possible after the middle of May, to Oswego, and take a post there, or in the neighbourhood; to be defended by about five hundred men. That they be also employed in forwarding the vessels to be built for securing the navigation of lake Ontario, and in making excursions towards Niagara; so as to keep the Indian country in alarm, and facilitate the operations in that quarter.

5. That a number of regiments be cantoned along the upper parts of Connecticut river, to be recruited in the winter; so as to form a body of five thousand regular troops, rank and file; and every preparation made to penetrate into Canada by the way of the river St. Francis. The time of their departure must depend upon circumstances; and their object be kept as secret as the nature of the thing will permit. When they arrive at the St. Lawrence, they must take a good post at the mouth of St. Francis, and turn their attention immediately to the reduction of Montreal, St. John's, and the north end of lake Champlain. These operations will be facilitated by the several movements to the westward, drawing the attention of the enemy to that quarter. If successful, so as to secure a passage across the lake, further reinforcements may be thrown in, and an additional retreat secured that way. The next operation will be in concert with the troops who are to gain the navigation of lake Ontario, &c. This operation, however, must be feeble, so long as the necessity exists of securing their rear towards Quebec. Such detachment, however, as can be spared, perhaps two thousand, with as many Canadians as will join them, are

to proceed up Cadaraqui, and take a post, defensible by about three hundred men, at or near the mouth of lake Ontario. They will then join themselves to those posted, as aforesaid, at or near Oswego; and, leaving a garrison at that post, proceed together to the party at or near Niagara, at which place they ought, if possible, to arrive by the middle of September. The troops who have marched against Detroit should also, whether successful or not, return to Niagara, if that post is possessed or beseiged by the Americans; as a safe retreat can by that means be accomplished for the whole, in case of accidents.

On the supposition that these operations succeed, still another campaign must be made to reduce the city of Quebec. The American troops must continue all winter in Canada. To supply them with provisions, clothing, &c. will be difficult, if not impracticable. The expense will be ruinous. The enemy will have time to reinforce. Nothing can be attempted against Halifax. Considering these circumstances, it is perhaps more prudent to make incursions with cavalry, light infantry, and chasseurs, to harass and alarm the enemy; and thereby prevent them from desolating our frontiers, which seems to be their object during the next campaign.

But if the reduction of Halifax and Quebec are objects of the highest importance to the allies, they must be attempted.

The importance to France is derived from the following considerations:

1. The fishery of Newfoundland is justly considered as the basis of a good marine.

2. The possession of those two places necessarily secures to the party, and their friends, the island and fisheries.

3. It will strengthen her allies; and guarantee more strongly their freedom and independence.

4. It will have an influence in extending the commerce of France, and restoring her to a share of the fur trade, now monopolized by Great Britain.

The importance to America results from the following considerations:

1. The peace of their frontiers.
2. The arrangement of their finances.
3. The accession of two states to the union.
4. The protection and security of their commerce.
5. That it will enable them to bend their whole attention and resources to the creation of a marine, which will at once serve them and assist their allies.
6. That it will secure the fisheries to the United States, and France their ally, to the total exclusion of Great Britain.[1]

Add to these considerations:

1. That Great Britain, by holding these places, will infest the coasts of America with small armed vessels to the great injury of the French as well as the American trade.
2. That her possessions in the West Indies materially depend on the possession of posts to supply them with bread and lumber, and to refit their ships, and receive their sick, as well soldiers as seamen.

In order then to secure, as far as human wisdom can provide, the reduction of those places, aid must be obtained from France.

Suppose a body of from four to five thousand French troops sail from Brest, in the beginning of May, under convoy of four ships of the line and four frigates. Their object to be avowed; but their clothing, stores, &c., such as designate them for the West Indies. Each soldier must have a good blanket, of a large size, to be made into a

[1] This paragraph was inserted in the writing of Henry Laurens.

coat when the weather grows cool. Thick clothing for these troops should be sent in August, so as to arrive at such place as circumstances by that time may indicate, by the beginning of October. These troops, by the end of June or beginning of July, might arrive at Quebec, which, for the reasons already assigned, they would in all probability find quite defenceless. Possessing themselves of that city, and leaving there the line of battle ships, the marines and a very small garrison, with as many of the Canadians as can readily be assembled (for which purpose spare arms should be provided, which might be put up in boxes, and marked as for the militia of one of the French islands,) the frigates and transports should proceed up the river St. Lawrence, and a disembarkation take place at the mouth of the river St. Francis. If the Americans are already at that place, the troops will co-operate for the purposes abovementioned: If not, a post must be taken there, and expresses sent, &c. In the interim, three of the frigates, with four of the smallest transports, should proceed to Montreal, and if possible possess that city; when the nobles and clergy should be immediately called together by the general, who should, if possible, be well acquainted with the manners both of France and of the United States.

The troops should bring with them very ample provisions, especially of salted flesh, as they will come to a country exhausted by the British army. By the latter end of July, or about the middle of August, the reduction of Canada might be so far completed, that the ships might proceed to the investiture of Halifax, taking on board large supplies of flour. A part of the troops might march, and be followed by the sick, as they recover. A considerable body of American troops also might then be spared for that service, which, with the militia of the states of Massachusetts

Bay and New Hampshire, might proceed to the attack of Halifax, so as to arrive at the beginning of September; and if that place should fall by the beginning or middle of October, the troops also might either proceed against Newfoundland, or remain in garrison until the spring; at which time that conquest might be completed. If Halifax should not be taken, then the squadron and troops would still be in time to operate against the West Indies.

To the Honourable BENJAMIN FRANKLIN, Esquire.

SIR: The above plan, referred to in your instructions, you shall lay substantially before the French minister. You shall consult the Marquis de la Fayette on any difficulties which may arise; and refer the ministry to him, as he hath made it his particular study to gain information on those important points.

By order of Congress.

Attest. H. L. *President.*

C. T. *Sec'y.*

OBSERVATIONS ON THE FINANCES OF AMERICA.

At the commencement of the war, it was obvious that the permanent revenues and resources of Great Britain must eventually overbalance the sudden and impetuous sallies of men contending for freedom on the spur of the occasion, without regular discipline, determinate plan, or permanent means of defence. America having never been much taxed, nor for a continued length of time, being without fixed government, and contending against what once was the lawful authority, had no funds to support the war, notwithstanding her riches and fertility. And the contest being upon the very question of taxation, the laying of imposts, unless from the last necessity, would have been madness.

To borrow from individuals, without any visible means of repaying them, and while the loss was certain from ill success, was visionary.

A measure, therefore, which had been early adopted, and thence become familiar to the people, was pursued. This was the issuing of paper notes representing specie, for the redemption of which the publick faith was pledged.

As these were to circulate from hand to hand, there was no great individual risk, unless from holding them too long; and no man refused to receive them for one commodity, while they would purchase every other.

This general credit, however, did not last long. It menaced so deeply the views of our enemies, who had built their hopes upon the defect of our resources, that they and their partisans used every effort to impeach its value. Their success in one instance of this kind always made room for another; because he who could not relieve his wants with our paper would not part with his property to procure it.

To remedy this evil, the states, as soon as formed into any shape of legislation, enacted laws to make the continental paper a lawful tender, and indeed to determine its value, fixing it by penalties, at the sum of specie expressed on the face of it. These laws produced monopoly throughout.

The monopoly of commodities, the interruption of commerce rendering them more scarce, and the successes of the enemy, produced a depreciation of the paper. And that trace begun, became in itself a source of further depreciation. The laws devised to remedy this evil either increased, or were followed by an increase of it.

This demanded more plentiful emissions, thereby increasing the circulating medium to such a degree as not only to exclude all other, but, from its superabundant quantity, again to increase the depreciation.

The several states, instead of laying taxes to defray their own private expences, followed the example of Congress, and also issued notes of different denominations and forms. Hence to counterfeit became much easier, and the enemy did not neglect to avail themselves of this great though base advantage. And hence arose a further depreciation.

Calling the husbandman frequently to arms, who had indeed lost the incitements to industry from the cheapness of the necessaries of life in the beginning, compared with other articles which took a more rapid rise, soon reduced that abundance which preceded the war. This, added to the greater consumption, together with the ravages and subsistence of the enemy, at length pointed the depreciation to the means of subsistence.

The issues from this moment became enormous, and consequently increased the disease from which they arose, and which must soon have become fatal, had not the successes of America, and the alliance with France, kept it from sinking entirely. The certainty of its redemption being now evident, we only suffer from the quantity.

This, however, not only impairs the value simply in itself, but, as it calls for continued large emissions, so the certainty that every thing will be dearer than it is, renders every thing dearer than it otherwise would be; and vice versa. Could we possibly absorb a part of the inundation which overwhelms us, every thing would be cheaper, from the certainty that it would become cheaper.

The money can be absorbed but three ways. The first is by taxation, which cannot reach the evil while the war continues. Because the emissions must continue to supply what is necessary over and above even the nominal produce of taxes. And the taxes cannot be very productive by reason of the possession of part, and the ravagement of other parts of the country by the enemy; and

also from the weakness of governments yet in their infancy, and not arrived to that power, method and firmness, which are the portion of elder states.

The second method is by borrowing; and is not efficient; because no interest can tempt men to lend paper now, which paid together with that interest in paper a year hence, will not probably be worth half as much as the principal sum is at present. And whenever the case shall alter, then, in proportion to the appreciation, will be the loss of the publick on what they borrow; to say nothing of the enormous burthens for which they must pay interest in specie, or what is equal to it, if so much of what hath been emitted could be borrowed as to render the remainder equally valuable with silver.

The last method is by very considerable loans or subsidies in Europe, and is the only mode at once equal to the effect desired, and free from the foregoing exceptions. For, if such a sum is drawn for at the advanced exchange, as by taking up the greater part of our paper to reduce the exchange to par, the paper then remaining will be fully appreciated, and the sum due will not nominally, and therefore in the event really, exceed its real value.

But to this mode there are objections. 1. Subsidies by any means equal to our necessities can hardly be expected while our allies, being engaged in war, will want all the money they can procure; and,

2. Loans cannot probably be obtained without good guarantee, or other security, which America may not, perhaps, be able to procure or give. But until our finances can be placed in a better situation, the war cannot possibly be prosecuted with vigour, and the efforts made feeble, as they must be attended with an oppressive weight of expence, rendering still more weak the confederated states.

This will appear from the foregoing observations; and also from this, that the present, and in all probability the future, seat of the war, also, that is, the middle states, are so exhausted that, unless by the most strenuous voluntary exertions of all the inhabitants, no great number of men can possibly be subsisted And such exertions cannot be expected without the temptation of money more valued than ours is at present.

To the Honourable BENJAMIN FRANKLIN, Esquire.

SIR: The above observations referred to in your instructions, you shall lay substantially before the French ministry, and labour for their assistance to remove the difficulties there stated.

By order of Congress.

Attest. H. L. *President.*

C. T. *Secretary.*[1]

Ordered, That the plan reported by the committee for reducing the province of Canada be transmitted to the General; and that he be requested to make such observations thereon as to him shall appear proper, and transmit the same to Congress; and deliver a copy thereof to the Marquis de la Fayette.[2]

Ordered, That the members be under the injunction of secrecy with regard to the plan of attacking Canada, except what relates to the attacks of Detroit and Niagara.

Ordered, That the Marine Committee prepare a frigate, with all possible expedition, for carrying despatches to the minister plenipotentiary at the court of France, and for accommodating the Marquis de la Fayette with a passage.

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 25, I, folios 35–46.

[2] Washington submitted his comments in a letter of November 11, which was read in Congress on the 19th, and is printed in *Writings of Washington* (Ford), VII, 239.

Ordered, That the resolutions of Congress relative to the expedition into Canada, together with the plan reported by the committee, be by them communicated to the Sr. Gérard, minister plenipotentiary of his most Christian Majesty to these states; and that the said committee be directed to explain to Sr. Gérard the reasons which have induced Congress to adopt this measure; and that the committee do report the result of their conference.

Resolved, That General Washington be directed to procure from Canada and Nova Scotia, as speedily as possible, the most exact intelligence that can be obtained respecting the number of troops in those provinces, and their stations; and also the number of vessels of war, their force and stations, with the number, state and strength of the fortifications. And that he transmit such intelligence, when received, to the marine committee.

Resolved, That the Marine Committee be instructed to transmit without delay after receiving the same the intelligence sent them by General Washington to the minister plenipotentiary at the court of Versailles by three successive conveyances.

A letter, of 13, from Major General Heath, was read:

Ordered, That it be referred to the committee on the case of Ensign Brown.

A letter, of 18, from General Washington, was read.[1]

Resolved, That the Committee for Foreign Affairs be directed to inform the minister plenipotentiary at the court of France, and the commissioners of the United States at the respective courts in Europe, that it is the desire of Congress, that harmony and good understanding should be cultivated between the ministers, commissioners and representatives of this Congress at the respective courts of Europe, and that such confidence and cordiality

[1] The letter of Heath is in the *Papers of the Continental Congress*, No. 157, folio 213; that of Washington is in No. 152, VI, folio 407.

take place among them as is necessary for the honour and interest of the United States.

Resolved, That the marquis de la Fayette, major general in the service of the United States, have leave to go to France; and that he return at such time as shall be most convenient to him.

Resolved, That the following letter of recommendation of the marquis de la Fayette be written to the king of France:

To our great, faithful, and beloved friend and ally, Louis the Sixteenth, king of France and Navarre.

GREAT, FAITHFUL, AND BELOVED FRIEND AND ALLY.

The marquis de la Fayette having obtained our leave to return to his native country, we could not suffer him to depart without testifying our deep sense of his zeal, courage and attachment. We have advanced him to the rank of major general in our armies, which, as well by his prudent as spirited conduct, he hath manifestly merited. We recommend this young nobleman to your majesty's notice, as one whom we know to be wise in council, gallant in the field, and patient under the hardships of war. His devotion to his sovereign hath led him in all things to demean himself as an American, acquiring thereby the confidence of these United States, your good and faithful friends and allies, and the affection of their citizens.

We pray God to keep your majesty in his holy protection.

Done at Philadelphia, the 22d day of October, 1778. By the Congress of the United States of North America.

Your good friends and allies.

H. L. *President.*

Attested.

C. T. *Secretary.*

Whereas, upon the evacuation of this city by the British army, certain seizures made of goods and effects, supposed to belong to the subjects of Great Britain, and other goods were taken up under contracts entered into with the inhabitants of this city by the officers, in the departments of quarter master, cloathier and commissary generals, and a committee hath been appointed by Congress to examine into the conduct of the said officers in making said seizures and contracts, that justice may be done to the public and individuals, but report hath not yet been made:

Resolved, That the Board of War direct such of the said goods, whether seized or contracted for, as may be wanted for the immediate use of the army, especially for cloathing, to be appropriated for that purpose; and that the Board of War direct that proper accounts be kept of the goods so appropriated, the quantity and quality, and of whom seized, or with whom contracted for.

Ordered, That two members be added to the committee aforesaid, and that the said committee sit on the business, and report on Thursday next:

The members chosen, Mr. M[eriwether] Smith and Mr. [Oliver] Ellsworth.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, OCTOBER 23, 1778

An appeal from the judgment of a court of admiralty for the State of New Jersey, on the libel "David Stephens, &c. *versus* schooner *John and Sally*," was lodged and referred to the Committee on Appeals.

A letter, of 26 August, from Major General R. Howe, with sundry papers enclosed, was read:

Ordered, That the same be referred to the Board of War, and that they report their opinion thereon to the Board of Treasury.

A letter, of 20, from Major General Lord Stirling, was read, informing that the enemy's fleet has sailed.

Sundry letters of 19 and 21, from Brigadier Count Pulaski, enclosing the commission of de Brenville,[1] a lieutenant in Count Pulaski's legion, were read.[2]

Ordered, That the resignation of Lieutenant de Brenville be accepted; that the letters and other papers from Count Pulaski be referred to the Board of War.

A petition from Dominique L'Eclise, was read:[3]

Whereupon, a report of the Board of War, relative to the said Dominique L'Eclise, was read; and thereupon,

At a Board of War, *October 14, 1778.*

Present, M^r^ Duer, Col. Pickering, M^r^ Peters.

The Board taking into consideration the letter from Gen^l^ Schuyler relative to Mons^r^ Dominique L'Eglise are of opinion

That Mons^r^ L'Eglise was employed by Gen^l^ Schuyler on secret service in Canada in the execution whereof Mons^r^ L'Eglise behaved with fidelity, and being suspected by the enemy was in consequence imprisoned and suffered many hardships and loss of his effects on account of his attachment to these States: We therefore beg leave to report to Congress,

Ordered, That the sum of six hundred and thirty five dollars be paid to Mons. L'Eclise, in satisfaction of his sufferings, and to enable him to pay moneys lent him for his support, by sundry gentlemen, friends to these states.

Resolved, That the sum of sixty dollars per month, for pay and subsistence, and one ration a day, be allowed

[1] James de Bronville in the commission.

[2] The letter of Stirling is in the *Papers of the Continental Congress*, No. 162, folio 535; those of Pulaski are in No. 164, folios 23, 36, and 38.

[3] This petition, dated October 22, is in the *Papers of the Continental Congress*, No. 42, IV, 158.

Mons. D. L'Eclise, during the pleasure of Congress, and that he be directed to reside for the present in the northern department, to be employed in such way as the Commander in Chief, or the commander of the northern department, shall deem serviceable to the United States:

That a copy of the foregoing resolution be sent to the Commander in Chief, to whom Mons. L'Eclise shall give notice of the particular place of his abode.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Major General Lincoln, for three thousand dollars, to bear the expences of himself and suite to South Carolina; he to be accountable.[2]

The Committee of Commerce, to whom was referred a charter party, and several other papers relative to an agreement entered into between Scott, Irwine, and Cowper, owners of the brig *Commerce*, of the one part, and Hewes and Smith, agents in behalf of the Secret Committee, on the other part, report,

"That it appears the said agents, in behalf of the Secret Committee, contracted to lade the said brigantine for some port or ports in Europe, and to pay for her here at the rate of five hundred dollars per month: that the said brigantine was valued at seven thousand dollars, which sum the said agents insured to the said owners, and agreed to pay to them over and above the monthly hire, if it should so happen that the said brigantine should be seized, taken, sunk, or otherwise destroyed, by the enemies of the United States: that the said brigantine was laden with tobacco, and other articles of merchandise on

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 328.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 637.

account of the United States, and arrived safe with her cargo in the port of Nantes, in France: that she sailed from thence on or about the 7th day of September, 1777, with a cargo of salt, on account of the United States, and proceeded on her voyage until she arrived on the coast of North Carolina: that she met with several storms, by which she was greatly damaged in her masts, yards, sails, and rigging: that the people on board were in distress for want of provisions and water; all which induced the captain of her to put into the island of Bermuda: that she arrived at Somerset, in the said island, on the 4 day of December, 1777, when the captain applied to Henry Tucker, Esq. who ~~he understood did business for Congress,~~ advised him to unlade the said brigantine and strip her of all her sails, rigging, anchors, cables, and other materials: that he unladed and stript her accordingly, and put every thing into the hands of the said Mr. Tucker: that it appears the hull of the said brig was seized and taken by the enemies of the United States, and fitted out, in order to carry to Great Britain part of the cargo and crew of a ship that had been cast away on Bermuda, in her passage from Jamaica to London: that it further appears, that Hewes and Smith, agents as aforesaid, are bound by the said charter party to pay to the owners of the said brigantine the amount of the said valuation, and the monthly hire, until the day the said brigantine was so seized and taken; and that the account of the said valuation and hire, exclusive of the said brigantine's disbursements in France, amounts to ten thousand five hundred and thirty four and 15/90 dollars:" Whereupon,

Ordered, That the sum of ten thousand five hundred and thirty four 15/90 dollars be paid to Messrs. Hewes and Smith, agents as aforesaid, to pay the amount of the valuation and monthly hire of the brigantine *Commerce*,

exclusive of her disbursements in France, agreeably to the charter party entered into by them with the owners of the said brigantine; the said Hewes and Smith to be accountable.

Ordered, That the remainder of the report be referred to a committee of three:

The members chosen, Mr. R[obert] Morris, Mr. [William Henry] Drayton, and Mr. [William] Duer.

According to order, Congress took into consideration the proceedings and sentence of the court martial on the trial of Major General Lee, and after debate,

Ordered, That the farther consideration thereof be postponed to Wednesday next.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 24, 1778

A letter, of 22, from Mons. de Vrigny, was read.

A memorial, from Messrs. Penet and Couloux, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. R[obert] Morris, Mr. R[ichard] H[enry] Lee, and Mr. [Roger] Sherman.

A report from the Board of War, respecting Colonel G. Morgan, was read:

War Office, *October 16, 1778.*

The Board have considered of Colonel Morgan's letter of the 12th instant referred to them. It appears by the letter of his agent Mr. Shelton, that 1,000 head of cattle have been purchased for the troops at the westward, and by the information of Mr. Gibson, ye express now here from fort Pitt, that several hundred head have actually been delivered, and by that means General McIntosh has been enabled

[1] The letter of Vrigny is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 149; the memorial of Penet, in No. 41, VIII, folio 60.

to commence his expedition before the arrival of supplies from Mr. Lockart; and as the cattle were purchased probably at rather high prices, the Board beg leave to report:

That sixty thousand dollars be paid to Colonel George Morgan for the purchases of cattle made by his direction for the troops on the western frontiers, and to defray the expence of purchasing and driving the same; he to be accountable for that sum.

The Board beg leave to remind Congress that they reported some time since a large sum to be granted to Colonel Morgan to enable him to lay up salt provisions and flour for next year, for the troops at the westward. The forming such magazines is every day growing more difficult and expensive; and in a little time will probably be quite impracticable.[1]

Ordered, That it be referred to the Board of Treasury.

The committee on the memorial from Griffin Greene & Co. brought in a report, which was read:

Ordered, That it be re-committed, and that the committee confer with Mr. Wadsworth, and report generally.

Ordered, That Mr. R[obert] Morris be added to the committee.

A letter, of this day, from the commissioners of claims, at the Board of Treasury, was read: Whereupon,

Resolved, That the Board of Treasury be empowered to hire a good and trusty clerk for the commissioners of claims, and that the foregoing letter be referred to the said Board.

Resolved, That it is essential to the interest and safety of these States that the most vigorous exertions should be made during the next campaign in conjunction with the forces of his most Christian Majesty to emancipate the province of Canada from its subjection to the crown of Great Britain.

Some further instructions to the minister plenipotentiary at the court of France were taken into consideration, and after debate,

[1] This report is in the *Papers of the Continental Congress*, No. 163, folio 317.

Ordered, That the same be re-committed, and that Mr. [William] Duer be added to the committee.

Mr. Gouverneur Morris having informed the house that he hath received application from a person in the city of New York, to know whether, in the opinion of the delegates of that State, he may, with safety to his person and property, continue in that city upon the evacuation thereof by the British troops; and having further informed, that the said person is in capacity to give useful intelligence, and probably will do it, if he shall receive assurances that it will be recommended to the State of New York to afford him protection:

Resolved, That the said G[ouveneur] Morris be empowered to give him such assurances, on condition that he shall give intelligence of whatever may come to his knowledge relating to the numbers, movements and designs of the enemy.

Adjourned to 10 o'Clock on Monday.

MONDAY, OCTOBER 26, 1778

Ordered, That the Committee of Foreign Affairs prepare an answer to the letter from the governor of Havanna.

A letter from Mons. de Vrigny was read:

Ordered, That it be referred to the Board of Treasury.

An appeal from the judgment of a court of admiralty for the State of New Jersey, on the libel "Yelverton Taylor, &c. *versus* sloop *Lark*," was lodged and referred to the Committee on Appeals.

A letter, of 24, from Brigadier Count Pulaski, was read:[1] Whereupon,

Resolved, That Count Pulaski's legion and all the cavalry at or near Trenton, be ordered, forthwith, to repair

[1] This letter is in the *Papers of the Continental Congress*, No. 164, folio 46.

to Sussex court house, there to wait the order of General Washington; and that the President write a letter to the General, informing him of this resolution, and pointing out the necessity of ordering the cavalry to some place or places, where they may be easily supplied with forage.

Ordered, That so much of the letter from Count Pulaski as relates to blankets, be referred to the Board of War.

A letter, of 21, from Major General Lord Stirling, enclosing a letter to him from Dr. Griffith, with sundry affidavits relative to the massacre of Colonel Baylor's regiment, on 27 September last, was read:

Ordered, That so much of the said letter as relates to the massacre, be referred to the Committee of Intelligence.[1]

A letter, of 22, from Governor Livingston, on the same subject, was read.

A letter, of 16, from Governor Trumbull, and one, of the 15, from Gosuinus Erkelens, with a paper enclosed, were read:

Ordered, That the same be referred to the Committee on Finance.

A letter, of 15, from Joshua Huntington, and one from Christopher Hele, were read:

Ordered, That they be referred to the Marine Committee.

A memorial from Robert Jewell, was read:

Ordered, That it be referred to the Board of War.

A letter, of 18, from Major General Sullivan, was read:

Ordered, That it be referred to the Board of Treasury:

A letter, of 25, from Mons. Bedaulx, was read:[2]

[1] The report of the Committee of Intelligence, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 53, folio 133. It also bears notes by Charles Thomson and William Henry Drayton.

[2] Stirling's letter is in the *Papers of the Continental Congress*, No. 162, folio 539; that of Livingston, in No. 68, folio 413; that of Trumbull, in No. 66, I, folio 422; that of Jewell, dated October 24, in No. 41, IV, folio 396; and that of Bedaulx, in No. 41, I, folio 164.

Ordered, That it be referred to a committee of three:

The members chosen, Mr. G[ouverneur] Morris, Mr. [William Henry] Drayton, and Mr. [Nathaniel] Scudder.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on William Pynchon, Esq. treasurer of the county of Hampshire, in the State of Massachusetts Bay, in favour of Jeremiah Wadsworth, Esq. commissary general of purchases, for four hundred dollars, which the general sessions of the peace of the said county, ordered to be paid by Malcolm Henry, in consequence of his having been convicted of stealing lead to the value of forty pounds, the property of the United States; the said commissary general to be accountable.[1]

Ordered, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in Pensylvania, for thirty-five thousand dollars; and another warrant on the treasurer, for twenty-five thousand dollars, in favour of Colonel George Morgan, for the purchase of cattle made by his direction for the troops on the western frontiers; he to be accountable for the sums aforesaid.[2]

Resolved, That a committee of three be appointed to superintend the publication of such matters relating to the disputes, petitions, and negotiations to and with the court of Great Britain, and such notes and explanations thereon as to them shall appear proper; and that they agree with the printer for 1300 copies of such publication, on account of Congress:

The members chosen, Mr. G[ouverneur] Morris, Mr. [William Henry] Drayton, and Mr. R[ichard] H[enry] Lee.

[1] This report, dated October 24, is in the *Papers of the Continental Congress*, No. 136, II, folio 639.

[2] This report, dated October 24, is in the *Papers of the Continental Congress*, No. 136, II, folio 641.

The committee on the further instructions to the minister plenipotentiary of the United States to the court of France reported the same, which were agreed to.[1]

Ordered, That Mr. [Josiah] Bartlett be added to the Medical Committee:

That Mr. M[eriwether] Smith be added to the Committee of Commerce:

That Mr. [Oliver] Ellsworth be added to the Committee on Appeals.

Whereas great public injury arises from the present purchases of wheat in the forage department:

Resolved, That, for the future, no wheat be purchased for forage by any person, for the use of the United States, unless Congress shall order otherwise.

An appeal from the judgment of a court of admiralty of the State of Rhode Island, &c. on the libel "Jonathan Tredwell, &c. *versus* schooner *Hawke*," was entered and referred to the Committee on Appeals.

The committee to whom was referred the memorial of Griffin Greene, brought in a report; Whereupon,

Resolved, That whenever it may be necessary to employ merchant vessels on account of these United States, the same ought to be chartered rather than purchased; and that the commissary general, agent or contractor, on behalf of these United States, if he shall, at any time, find it expedient to take into the service of government vessels to be employed as transports on the high seas, and such vessels cannot be obtained without insurance on the part of government, shall cause the value thereof to be ascertained by three reputable men, having knowledge in such business, on oath and under their hands and seals; which

[1] In the Secret Journals was added: "N. B. The further instructions were the eighth article, and the plan of attack, and what relates thereto: and hence it was, that the whole, being blended together, were dated the 26th October." The papers are printed under October 22, p. 1042 *ante*.

said valuation shall be inserted in the charter party, and any loss that may arise to the owner or owners, by means of the enemy, shall be paid according to the common course of insurance.[1]

An appeal from the judgment of a court of admiralty for the State of New Jersey, on the libel "Samuel Ingersol, &c. *versus* schooner *Lovely Nancy*," was lodged and referred to the Committee on Appeals.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 27, 1778

A letter, of 26, from Count Pulaski, was read:

Ordered, To lie on the table.

A letter, of 13, from Major General Gates, at Danbury, with sundry papers enclosed, was read;[2] Whereupon,

Ordered, That General Gates be furnished with a copy of the resolution respecting Lord Balcarras.

Information being given to Congress that there is reason to believe indulgence of paroles hath been granted to the prisoners of the convention of Saratoga, in consideration of money paid and received for the same:

Ordered, That the President write to the council of Massachusetts bay, and request them to enquire into this matter:

That a committee of four be appointed to investigate the truth of this information:

The members chosen, Mr. S[amuel] Adams, Mr. [Nathaniel] Scudder, Mr. [Roger] Sherman, and Mr. [Henry] Marchant.

[1] This report, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 19, II, folio 525.

[2] The letter of Pulaski is in the *Papers of the Continental Congress*, No. 164, folio 48; that of Gates is in No. 154, II, folio 15.

A letter, of 11, from D. Waterbury, was read:

Ordered, That it be referred to the Marine Committee.

A commission, under the hand and seal of the hon. Sieur Gérard, || minister plenipotentiary and consul general of France,|| to Mons. d'Anemours, appointing him consul of France in the State of Maryland, was laid before Congress:

Ordered, That the same be referred to the Marine Committee, and that they take proper measures to notify the same to the State of Maryland.

A letter, of 26, from Major General the Marquis de la Fayette, was read, mentioning the request of Mons. le Vienne for leave to go to France, and to have a commission in lieu of the brevet granted to him; Whereupon,

Resolved, That Mr. le Vienne have leave to go to France, but that he have no other commission than the brevet already granted to him.

Another letter, of 26, from the Marquis de la Fayette, was read,[1] taking his leave of Congress.

Another letter, without date, from the Marquis de la Fayette, was read:

Ordered, That it be referred to the committee lately appointed to prepare instructions, &c. to the minister plenipotentiary of these states at the court of France.

A letter, of 26, from R. Peters, member of the Board of War, was read:[2]

Ordered, That it be referred to the committee on the cloathier general's department.

A letter, of 20, from Captain Stoddard, was read;[3] Whereupon,

[1] The letters of Lafayette are in the *Papers of the Continental Congress*, No. 156, folios 39, 43 and 47.

[2] This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 347.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 323.

Resolved, That the sum of five hundred dollars be allowed to the field officers, captains, subalterns, chaplain and surgeon of the light dragoons respectively, in the service of these United States, to compensate the extraordinary expence of his horse and equipment, beyond that of officers of the like rank in the infantry; provided always, that any officer receiving such sum shall be liable to refund the same if he leaves the service during the present war.[1]

A motion being made respecting the officers of Colonel S[eth] Warner's regiment;

Ordered, That it be referred to a committee of three, and that they write to the pay master general on the subject:

The members chosen, Mr. [Roger] Sherman, Mr. M[eriwether] Smith, and Mr. G[ouverneur] Morris.

Resolved, That Major General Lord Stirling be, and he is hereby, directed to permit Colonel Beniah Norton, of Martha's Vineyard, in the State of Massachusetts bay, to go into New York, and that a flag be furnished him for that purpose; and that he be permitted to return when he shall have concluded his business.

The Committee of Commerce brought in a report; Whereupon,

Resolved, That tobacco, the property of the United States, be shipped for the payment of the debts and contracts of the said states:

That the agents in North Carolina and elsewhere, adjust and settle the accounts of their transactions, and that the Committee of Commerce take proper measures to effect the purposes aforesaid:

[1] This paragraph appears to be based upon an undated report of the Committee of Arrangement, in the *Papers of the Continental Congress*, No. 21, I, folio 171. The report added: "*Resolved*, That upon the reduction of any corps of light Dragoons, which has performed actual service in the field each officer and each dragoon shall retain his horse, saddle and bridle as his own property."

That the Committee of Commerce be directed to take care of the commercial concerns of the United States; and that they be empowered to take such steps for that purpose as they shall deem necessary.

The committee appointed to prepare an answer to the governor of Havanna, brought in a draught, which was agreed to.

A Letter from the Marquis de la Fayette was read, containing an Account of the brave Conduct of Monsr. Touzard Captain in the Regiment of Artillery of La Fer, in taking Possession of a Piece of Artillery from the Enemy, in which Action he lost his Right Arm by the Discharge of another Piece of Artillery; whereupon

Resolved, That the Gallantry of Monsieur Touzard in the late Action on Rhode Island is deserving of the highest Applause, and that Congress, in Consideration of his Zeal and Misfortune, do promote the said Monsr. Touzard to the Rank of Lieutenant Colonel in the service of the United States by Brevet, and that he do receive a Pension of thirty Dollars per Month out of the Treasury of the United States of America, during his Life.

Resolved, that the Chevalier de Failly of the Regiment of Anjou be promoted to the Rank of Colonel in the Service of the United States by Brevet and that his Commission bear Date the Day of October 1777.

Agreed

Resolved, that the President of Congress write a Letter to Monsr le Vicomte de Montroy, Brigadier in the Service of France, informing him that Congress have a high Sense of his Merit and Abilities, and Regret that the Situation of their Affairs would not permit them to promote him to that Rank in their Service which he was entitled to from what he held in France.

Postponed

Resolved, that Monsr. Gimat, Aid de Camp to the Marquis de la Fayette, and Lieutenant Colonel in the Service of the United States, be promoted to the Rank of Colonel by Brevet.

Y. and N., No

Resolved, that Monsr. de Noirmont, Aid de Camp to the Marquis de la Fayette, and Major in the Service of the United States, be promoted to the Rank of Lieutenant Colonel.

Rejected

Resolved, that Monsr. Capitaine, one of the Family of the Marquis de la Fayette, and Captain in the Service of the United States, be promoted to the Rank of Major.

Rejected

Whereas Messieurs Gimat, de Noirmont, Capitaine and la Colombe have been put to great Expences in the Service of the United States without having received any Money from the Commissaries.

Agreed

Resolved, That a Committee of three be appointed to confer with the said Persons upon the Expences they have incurred, and report thereon to Congress.

Agreed

Resolved, That the committee appointed to prepare instructions to the minister plenipotentiary of the United States to the court of France, &c. be appointed to confer with the said persons upon the expences they have incurred, and report thereon.

Resolved, That Mr. [John] Brice and Mr. [Presley] Neville, Aids de Camp to the Marquis de la Fayette, be promoted to the Rank of Lieutenant Colonel in the Service of the United States by Brevet.[1]

Agreed

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 28, 1778

A letter, of 17 August last, from J[ohn] B. Girardeau, was read, informing, that, on account of his ill state of health, he has been obliged to resign his commission of deputy commissary general of issues in South Carolina and Georgia, to Major General Howe, who has appointed Mr. Mordecai Sheftall to act as deputy commissary general

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, VI, folio 45.

of issues in his stead, till the pleasure of Congress shall be known;

Also, a letter of 19 August, from Mordecai Sheftall, and one of 25 August, from G. Walton, were read;[1] Whereupon,

Resolved, That the resignation of Mr. J. B. Girardeau be accepted; and that the consideration of confirming the appointment of Mr. Sheftall be postponed:

That so much of Mr. Sheftall's letter as relates to rations be referred to the Board of War.

A letter, of this day, from D. Franks, was read:

Ordered, That it be referred to the committee appointed to consider by what process it may be proper to take cognizance of D. Franks's offence.

A letter, of 20, from W. Palfrey, pay master general, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 27, from Lieutenant Girard, was read:[2]

Ordered, To lie on the table.

A letter, of 22, from General Washington, enclosing an extract of a letter from Brigadier Hand, and a journal of Lieutenant Colonel Butler's expedition to Unandilla and Oncaquaga, was read:

Ordered, That the extract of Brigadier Hand's letter, with so much of the General's letter as relates thereto, be referred to a committee of three, who are directed to take into consideration the case of the settlers at Wyoming:

The members chosen, Mr. M[eriwether] Smith, Mr. [Nathaniel] Scudder, and Mr. [William] Duer:

That the journal of Lieutenant Colonel Butler be referred to the Committee of Intelligence.

[1] The letter of Girardeau is in the *Papers of the Continental Congress*, No. 78, X, folio 113; that of Sheftall, in XX, folio 293; that of Walton in XXIII, folio 543.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 189; that of Girard in X, folio 117.

The committee to whom was referred the memorial of Alexander McNutt report, That after a conference with the memorialist, it appears that any further proceeding thereon is at this time unnecessary; that the memorial be filed in the secretary's office, and that the sum of 300 dollars be presented to Mr. McNutt, in consideration of the expences he has incurred in his endeavours to serve the United States.[1]

Resolved, That Congress agree to the said report.

The Committee on the Treasury, to whom were referred the letters from Lieutenant Colonel Vrigny, report,

That they have taken into consideration the claim of Lieutenant Colonel Vrigny, and are of opinion, that no pay ought to be allowed to Lieutenant Colonel Vrigny from the first day of June, 1777, to the end of January, 1778, during which time he served as a volunteer; that he be referred to the pay master general, who is directed to see that the balance due to him for his pay and subsistence from the first day of February, be adjusted and discharged:

Resolved, That Congress agree to the said report.

The Committee on the Treasury brought in a farther report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Major General Arnold, for eight thousand dollars, in consequence of his letter to the auditor general, of 27th inst., representing this sum due to him on account; he to be accountable:

That a warrant issue on the treasurer in favour of Philip Minis, for six thousand nine hundred and nineteen and one-half dollars, it being so much advanced by him to the late Mr. Kennon, deceased, acting pay master and commissary to the Virginia and North Carolina troops in the

[1] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, IV, folio 43.

State of Georgia, as appears by certificate of the said pay master and Major General Howe, then commanding officer in the southern department; and that the account of the said William Kennon, deceased, be charged with the sum aforesaid:[1]

That a warrant issue on the treasurer in favour of Mons. Florean Charles Mey, for ten thousand seven hundred and seventy-eight dollars, to answer a draught of Major General R. Howe, of 26 August last, on the President of Congress, in favour of Mons. John Pourein, for sundry military stores purchased of him to this amount by General Howe, for continental service in the State of Georgia; and that a copy of the said account be entered and filed in the war office:

That a warrant issue on the treasurer in favour of the committee to superintend the publication of matters relating to the disputes, petitions and negotiations to and with the court of Great Britain, for the sum of twelve hundred dollars, to enable them to proceed in the business: the said committee to be accountable.[2]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Captain Lieutenant Jonathan Brewer, of the Pensylvania regiment of artillery, commanded by Colonel Proctor, for his pay and rations or subsistence from the first of September, 1777, to 30th September, 1778, most of which time he was a prisoner with the enemy, a balance of six hundred and fifteen 7/90 dollars:

That there is due to the estate of Robert Ritchie, deceased, for his pay as one of the commissioners of claims,

[1] This report, dated October 27, is in the *Papers of the Continental Congress*, No. 136, II, folio 645.

[2] This report, dated October 27, is in the *Papers of the Continental Congress*, No. 136, II, folio 649.

from the 12 April to 12 September, 1777, six hundred and sixteen dollars:

That there is due to David Tew, for engraving three copperplates for bills of exchange, one hundred and sixty dollars, and for repairing two of the same, fifty-three 30/90 dollars, making in the whole, 213 50/90 dollars.[1]

Ordered, That the said accounts be paid.

Congress resumed the consideration of the report of the committee on finance, and some time being spent thereon,

The Committee to whom was referred sundry Reports on the Currency and Finances of the United States, beg leave to report:

Agreed

1st That to support the War, it is indispensibly necessary to restore the Value of the Money by reducing the Quantity.

2dly That in order thereto [and to prevent the further Currency of

Agreed 14 Nov.

counterfeit Bills][2] it is necessary to take out of Circulation and destroy 46,500,000 dollars, being the whole sum emitted by Congress in Bills of Credit before the 11th of April last, [except Bills of and under the Denomination of two Dollars].[3]

3dly That it should be recommended to the States to repeal their

Postponed

Laws making such Bills a Tender, on or before the 15th December next.

4thly That the Bills aforesaid should be only received for Certificates at the Continental Loan Offices, or in Payment of the Taxes that are or the ensuing Year may be levied, in Consequence of the Recommendations of Congress.

5thly That forty Million Dollars, or such a Part thereof as may be necessary for public Expences from the present Time to the 1st of January, 1780, should be emitted by Congress, redeemable within the Term of 18 Years.

6thly That the States should be called on for 6 Million Dollars per Annum for 18 Years, as a sinking Fund, and for 6 Million extra for the ensuing Year.

[1] This report, dated October 27, is in the *Papers of the Continental Congress*, No. 136, II, folio 643.

[2] Against these words Laurens has written "Qu. to Bills—to stand."

[3] These words were inserted by Laurens. The entire paragraph was struck out in Congress.

7thly That Congress should engage as a Security to the Lenders, so much of the Money to be annually raised by Tax on the several States, as shall pay the Interest of the Money borrowed, and that the Residue shall be applied to call in the Loan Office Certificates, or be cancelled and destroyed.

8thly That the Emissions of the several States be cried down as a Currency.

9thly That the several States be called on, to prohibit all private ~~Bank and~~ Lotteries, and to covenant that they will not erect any State ~~Banks or~~ Lotteries:

Postponed

ESTIMATES ON THE ABOVE POSITIONS.

1st respecting the Continental Bills of Credit that on the 1st of January next will be in Circulation.

	Dollars.
At present their Amount is	81,500,000
New emissions to the 1st January, 1779	10,000,000
Making	91,500,000
To be then taken out	46,500,000
Leaving	45,000,000

If in the Course of the Year 1779 it shall be found that the Bills are again depreciating in Consequence of the issues, a further Sum may be taken out of Circulation.

Estimate 2d Respecting the Sum to be annually raised by the States for Payment of Interest, in addition to the Sinking Fund of 6 Millions per Annum.

	Dollars.
Certificates now issued	13,000,000
Do. to be issued for Bills to be taken out of Circulation	46,500,000
Making	59,500,000
The Interest on this Sum for the Year 1779 @ 6 pr cent amounts to	3,570,000
In 1780, the Principal being reduced by the Sinking Fund, the Interest will amount only to	3,210,000

And thus the Interest will be annually diminished 360,000 Dollars during the Term of 10 Years, when the Principal being paid, the Interest will cease.

Estimate 3d. Respecting the Payment of the publick Debt.

	Dollars.
Bills already emitted ~~sunk, exchanged or not for Loan Office Certif~~	81,500,000
Certificates ~~emitted~~	13,000,000
Bills to be emitted before the 1st of January next	10,000,000
At which time the public debt will be	104,500,000
18 Year Tax as a sinking Fund @ 6 Million per Annum	108,000,000

The Emissions from the 1st of January next to the first of January, 1780, to be funded at the end of the next Campaign.

N. B. Whatever part of the 46,500,000 Dollars proposed to be borrowed, is paid in Taxes agreeable to the 4th Article, the Interest thereon for 1 Year will be saved by the United States, and the Bills paid in will be sunk and destroyed in the same Manner as if exchanged for Loan Office Certificates.[1]

That of the Money to be raised from Time to Time by the several States as their Quotas so much shall be appropriated by Congress to the payment of the Interest of Continental Loans as shall be annually found necessary for this purpose.[2]

That the several States be called upon to provide Funds to the amount of ~~one two~~ three Million Dollars annually, for six years next ensuing, for Payment of Interest of the Monies borrowed and ordered to be borrowed on the Credit of the United States.[3]

Col. Smith's amendment 4 millions.[4]

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 26, folio 27. On folio 29 are rough memoranda, also in Gerry's writing, presumably forming the basis of the report. The committee was appointed October 13, and I have inserted the report on the first mention of a resumption of the consideration of the subject of finance.

[2] An amendment, in the writing of Elbridge Gerry, on folio 30.

[3] An amendment, in the writing of Roger Sherman, on folio 30.

[4] These words were added by Laurens.

THURSDAY. OCTOBER 29, 1778

The committee to whom was referred the letter of 18, from D. Franks, brought in a report; Whereupon,

Ordered, That D. Franks be furnished with a copy of his letter of 18, to his brother Moses Franks.

Resolved, That the Board of War shall consist of three commissioners, who are not members of Congress; and two members of Congress; and that three or more of them, who shall be present, shall constitute a board.

A motion being made and seconded, and called for in writing; after being reduced to writing, and before it was read from the chair, an objection was made against taking it into consideration, as being contrary to the order, assigning Tuesdays, Thursdays and Saturdays to the business of finance:

On the question, whether the motion can be admitted;

The yeas and nays being required by Mr. G[ouverneur] Morris,

New Hampshire,		
Mr. Bartlett,	no	no
Massachusetts Bay,		
Mr. S. Adams,	ay	div.
Gerry,	no	
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Sherman,	ay	div.
Ellsworth,	no	
New York,		
Mr. Duer,	no	no
G. Morris,	no	
Pennsylvania,		
Mr. Roberdeau,	no	no
Clingan,	no	
Virginia,		
Mr. R. H. Lee,	ay	*
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens, as president, desired to be excused, the house having undertaken to determine the question of order.		
Mr. Drayton,	no	no
Hutson,	no	
Georgia,		
Mr. Telfair,	no	no
Langworthy,	no	

So it passed in the negative.

Resolved, That whenever a person is nominated to any office, his name, together with that of the person nominating him, be entered on the minutes.

It was moved, that upon an election, an entry be made of the states who shall respectively ballot for any person so nominated:

Resolved, That the consideration thereof be postponed till to morrow.

Congress proceeded to the nomination of a commissioner and secretary of the Board of War; when the following persons were nominated; for commissioner,

Colonel Jesse Root, of Hartford, in Connecticut, by Mr. [Roger] Sherman; Colonel R. H. Harrison, secretary of General Washington, by Mr. [William] Duer.

For secretary to the Board of War and Ordnance,

Major [Peter] Scull, of Pensylvania, by Mr. [William] Duer; Colonel Hezekiah Bissel, by Mr. [Henry] Marchant.

Congress proceeded to fix the salaries of the officers in the treasury office; and whereupon,

Resolved, That the salary of the comptroller be four thousand dollars per annum:

That the salary of the treasurer be four thousand dollars per annum:

That the salary of the auditor be three thousand five hundred dollars per annum:

That the salary of each of the commissioners of accounts be three thousand dollars per annum.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, OCTOBER 30, 1778

A letter, of 22, from Brigadier Stark, was read.[1]

A letter from le Chevalier de Mauduit du Plessis, lieutenant colonel of artillery; also a letter, of 14, from Major General Baron de Kalb, and one of 21, from General Washington, and a recommendation of the chevalier by the General, were read:

Ordered, That they be referred to a committee of three:

The members chosen, Mr. S[amuel] Adams, Mr. G[ouverneur] Morris and Mr. [William Henry] Drayton.

Ordered, That the letter of 27, from the Marquis de la Fayette, be referred to the said committee.

The Committee on the Treasury laid before Congress a letter from the commissioners of accounts in the northern department, which was read:[2]

Ordered, To lie on the table.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. James Lovell, a delegate from the State of Massachusetts bay, advanced upon his application, for the sum of fifteen hundred dollars to be charged to the said State:

That a warrant [issue] on the treasurer in favour of the pay master of the Board of War and Ordnance, for five hundred thousand dollars, to be by him transmitted to William Palfrey, Esq. pay master general, for the use of his department; who is to be accountable:[3]

[1] This letter is in the *Papers of the Continental Congress*, No. 162, folio 213.

[2] This letter, dated September 30, and signed by John Welles, Eleazar Wales and Edward Chinn, is in the *Papers of the Continental Congress*, No. 58, folio 293.

[3] This report, dated October 29, is in the *Papers of the Continental Congress*, No. 136, II, folio 651.

That a warrant issue on the treasurer in favour of the Hon. Henry Laurens, for three thousand five hundred dollars, to answer three sets of exchange, No. 3, for 2000 dollars, No. 13, for 1000, and No. 29, for 500 dollars: drawn by William Kennon, deceased, in favour of David Flowers, and bearing date the 14 April 1777; and that the same be charged to the said William Kennon, deceased:

That a warrant issue on the treasurer in favour of Mr. Cornelius Harnett, for three thousand and five hundred dollars, to answer five sets of exchange, Nos. 25 and 26, for 1000 dollars each, Nos. 33, 34, and 35, for 500 dollars each; drawn by the late William Kennon, deceased, in favour of David Flowers, and bearing date the 14 April 1777; and that the said sum of 3,500 dollars be charged to the account of the said William Kennon, deceased.

That a warrant issue on the treasurer in favour of Samuel Hillegas, for one hundred and sixty dollars, in full for his signing of loan office certificates.[1]

In consequence of an adjustment by the commissioners || of claims, || the auditor general reports,

That there is due to the officers and privates of Colonel Lewis Nicola's regiment of invalids, for rations and parts of rations retained from their first establishment to the 31 of May, 1778, a balance of six hundred and eighty-eight 50/90 dollars, as more fully appears by a particular state filed with the accounts:

|| That there is due || to the following gentlemen, to, at, and from camp, when sent as a committee of Congress in the past summer, viz.

To Mr. J[oseph] Reed, including the expence of entertaining some officers, 201 12/90 dollars; to Mr. J[ohn] Banister, 148 72/90 dollars; to Mr. R[oger] Sherman, 101 30/90 dollars; making in the whole, 451 24/90 dollars:

[1] This report, dated October 29, is in the *Papers of the Continental Congress*, No. 136, II, folio 659.

That there is due to Francis Hopkinson, Esq. his pay as treasurer of loans, from the 27 July to 26 September, 1778, inclusive, five hundred dollars:

|| That there is due || to Patrick M'Closky, for his pay as express rider, from the first day of January to the 31 October, 1777, a balance of four hundred and eighteen dollars:[1]

Ordered, That the said accounts be paid.

A letter, of 24, from Nicholas Depui, John Chambers, Benjamin Van Camp, &c., directed to his honour George Bryan, and enclosing copies of two affidavits, was laid before Congress, || and read ||:

Ordered, That the same be referred to General Washington, who is directed to take order thereon.

By the Congress of the United States of America.

MANIFESTO.

These United States having been driven to hostilities by the oppressive and tyrannous measures of Great Britain; having been compelled to commit the essential rights of man to the decision of arms; and having been at length forced to shake off a yoke which had grown too burthensome to bear; they declared themselves free and independent.

Confiding in the justice of their cause; confiding in Him, who disposes of human events; although weak and unprovided, they set the power of their enemies at defiance.

In this confidence they have continued through the various fortunes of three bloody campaigns, unawed by the power, unsubdued by the barbarity of their foes.

[1] This report, dated October 29, is in the *Papers of the Continental Congress*, No. 136, II, folio 655.

Their virtuous citizens have borne, without repining, the loss of many things which make life desirable. Their brave troops have patiently endured the hardships and dangers of a situation fruitful in both, beyond former example.

The Congress considering themselves bound to love their enemies, as children of that Being who is equally the Father of All; and desirous, since they could not prevent, at least to alleviate the calamities of war, have studied to spare those who were in arms against them, and to lighten the chains of captivity.

The conduct of those serving under the king of Great Britain hath, with some few exceptions, been diametrically opposite. They have laid waste the open country, burned the defenceless villages, and butchered the citizens of America.

Their prisons have been the slaughter-houses of her soldiers, their ships of her seamen; and the severest injuries have been aggravated by the grossest insult.

Foiled in their vain attempt to subjugate the unconquerable spirit of freedom, they have meanly assailed the representatives of America with bribes, with deceit, and the servility of adulation. They have made a mock of humanity by the wanton destruction of men. They have made a mock of religion by impious appeals to God, whilst in the violation of his sacred commands: They have made a mock even of reason itself, by endeavouring to prove that the liberty and happiness of America could safely be entrusted to those who have sold their own, unawed by the sense of virtue or of shame.

Treated with the contempt which such conduct deserved, they have applied to individuals. They have solicited them to break the bonds of allegiance, and imbue their souls with the blackest of crimes. But fearing that

none could be found through these United States equal to the wickedness of their purpose, to influence weak minds they have threatened more wide devastation.

While the shadow of hope remained that our enemies could be taught by our example, to respect those laws which are held sacred among civilized nations, and to comply with the dictates of a religion which they pretend in common with us to believe and revere, they have been left to the influence of that religion and that example. But since their incorrigible dispositions cannot be touched by kindness and compassion, it becomes our duty by other means to vindicate the rights of humanity.

We, therefore, the Congress of the United States of America, do solemnly declare and proclaim, that if our enemies presume to execute their threats, or persist in their present career of barbarity, we will take such exemplary vengeance, as shall deter others from a like conduct. We appeal to that God who searcheth the hearts of men, for the rectitude of our intentions: and in his holy presence we declare, that as we are not moved by any light and hasty suggestions of anger or revenge, so, through every possible change of fortune, we will adhere to this our determination.

Done in Congress, by unanimous consent, the thirtieth day of October, 1778.

H. L. *President.*

Attest. ‖C. T. *Secretary.*‖

A letter, of this day, from Major General Lee, was read:[1]

Adjourned to 10 o'Clock to Morrow.

[1] This letter is in the *Papers of the Continental Congress*, No. 158, folio 125.

SATURDAY, OCTOBER 31, 1778

A member having informed the house, that he had received intelligence of frauds and abuses said to be practised by certain individuals in the quarter master general's department,

Ordered, That a committee of three be appointed to make strict enquiry into the same, and to report specially to Congress: and that the member be directed to lay before the said committee the particulars of the information which he has received:

The members chosen, Mr. S[amuel] Adams, Mr. [Nathaniel] Scudder, and Mr. [Roger] Sherman.

The Board of War, to whom were referred sundry letters from New Orleans, brought in a report:

At a Board of War *October 10, 1778.*

The Board of War having taken into Consideration the Papers referred to them by Congress, being Letters and Extracts of Letters from the Governor of New Orleans, Mr Pollock and Captain James Willing on the Situation of Affairs on the Mississippi, beg leave to report to Congress,

That from the variety of operations in which we are at this Time engaged it is impracticable for these States now to undertake an enterprize of the magnitude ~~necessary to take possession of and secure as well the country on the Mississippi, in the hands of the subjects of the King of Great Britain, as the other parts of the Floridas, which it will be necessary for the security of these states to hold, when circumstances will permit.~~ recommended by Governor Galvez.

That Governor Bernardo de Galvez be informed of the above resolution and be assured that from the favorable aspect of our affairs it is probable Congress will speedily be enabled to turn their attention to and operate effectually in that quarter.

That Governor Galvez be requested to accept the thanks of Congress for his spirited and disinterested conduct towards these States, and be assured that Congress will take every opportunity of evincing the favorable and friendly sentiments they entertain of Governor Galvez,

and all the faithful subjects of his Catholic Majesty inhabiting the country under his government.[1]

Ordered, That the letters returned be referred to the Committee of Commerce.

A letter, of 26, from Adam Ferguson, secretary to the commissioners from the king of Great Britain, and a letter of 12 August, from the Hon. J. Adams, were read:

Ordered, That they be referred to the Committee of Intelligence.

A letter, of 21, from Major General Heath, was read:

Ordered, That it be referred to the Board of War, and that the Board forthwith make a return of the officers of the convention of Saratoga that have been exchanged, and for whom.

A letter, of 24, from General Washington, with a paper enclosed, was read:

Ordered, That it be referred to the committee appointed to prepare a plan for procuring reinforcements &c:

That Mr. G[ouverneur] Morris be added to the committee.

A letter, of 26, from General Washington, was read, enclosing a report enclosed of Governor Clinton, General Schuyler, and Brigadier Hand, on the subject of an enterprize against Chemung:[2] Whereupon,

Resolved, That Congress approve the reasons for not undertaking for the present an expedition against that place.

[1] A postscript to the report follows:

"The papers are returned with this report as they contain many matters which the commercial committee if referred to them no doubt will think proper to report upon.

"Mr Murray's report is subjoined for the information of Congress. He appears to be very intelligent and well acquainted with the country."

The report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 323. The conclusions were entered on the secret Journals.

[2] Washington's letter of the 24th is in the *Papers of the Continental Congress*, No. 152, VI, folio 411. It is printed in *Writings of Washington* (Ford) VII, 226. The letter of the 26th is on folio 419, and the report on Chemung is on folio 423.

The Committee on the Treasury brought in a report: Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Marine Committee, on their application, for one hundred and fifty thousand dollars, to be by them transmitted to the navy board of the eastern district, for the use of their department; the Marine Committee to be accountable.[1]

The Marine Committee brought in a report: Whereupon,

Resolved, That the commissioners of the navy boards in the eastern and middle departments be allowed a salary of three thousand dollars per annum each, in consideration of the extensive business of their departments.

The Marine Committee nominated the following gentlemen, requesting that three of them may be chosen for commissioners of the navy board of the middle department, viz.

John Wharton.
Benjamin Fuller.
Nathaniel Falconer.
James Read.
Joseph Stiles.
William Winder.

Congress proceeded to the nomination of officers in the treasury, when the following were nominated, viz:

For Comptroller, Jonathan Trumbull, Jun., by Mr. [Elbridge] Gerry.

For Auditor, John Gibson, by Mr. [Roger] Sherman.

For Treasurer, Michael Hillegas, by Mr. S[amuel] Adams.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 661.

Commissioners for the two chambers of accounts:

William Govett, of Pensylvania, by Mr. [Elbridge] Gerry.

Edward Fox, of Maryland, } by Mr. [John]
Thomas Brook Hodgkins, do } Penn.

Captain Will. Bedloe, N York, by G[ouverneur] Morris.

James Milligan, of Pensylvania } by Mr. [Henry]
Peter Philips, Rhode island &c. } Marchant.

William Stevenson, native of Maryland but late of Bristol in the Kingdom of Great Britain, by Mr. S[amuel] Adams.

Resolve Smith, native of New Jersey, late of Nevis, by Mr. G[ouverneur] Morris.

William Geddes, of Maryland, by Mr. [Thomas] McKean.

~~Samuel Curson~~ James Wells of New York, by Mr. [William] Duer.

Congress proceeded to the election of a commissioner for the Board of War and Ordnance, and the ballots being taken, Colonel Robert H. Harrison was unanimously elected, || having been previously nominated by Mr. [William] Duer.||

Resolved, That ~~for the present~~ the salary of the secretary of the Board of War be two thousand dollars per annum.

Ordered, That Monday next be assigned for electing a secretary of the Board of War and Ordnance.

The delegate for New Hampshire laid before Congress the appointment of delegates from that State, which were read as follows:

STATE OF NEW HAMPSHIRE.

IN THE HOUSE OF REPRESENTATIVES,
August 19, 1778.

Resolved, and voted, that the Hon. Josiah Bartlett, John Wentworth, Jun. William Whipple, and George Frost, Esqrs. be and hereby are chosen and appointed Delegates to represent this State in the Continental Congress, to be holden for the United States of America, in November next, and that any two of them have full power to represent this State in said Congress for one Year, from the first of November next, unless sooner recalled, or superseded by order of the General Assembly of this State. Sent up for concurrence,

JOHN DUDLEY, *Speaker pro tem.*

In council, the same day, read and concurred,

E. THOMPSON, *Secretary.*

Copy examined by

E. THOMPSON, *Secretary.*[1]

Ordered, That Mr. [Josiah] Bartlett have leave of absence.

Ordered, That Mr. R[ichard] H[enry] Lee, have leave of absence.

The Committee to whom the Memorial and papers of John Harper were referred beg leave to Report;

That it appears to the Committee, that the said John Harper and his Sons Joseph and John, of the State of Virginia, and Peter Kirwin, of the State of Maryland, were owners of the Schooner called *Liberty* in the said Memorial mentioned; that the said Schooner commanded by a certain Middleton Belt, on the eighth day of June last, was chased into Currituck Inlet by a British privateer, commanded by a certain ——— Goodrich, and was there on the afternoon of the same day captured by the said Privateer. That three men belonging to the said Privateer were put on board the said Schooner, and on the next morning in going out of the said Inlet, she was run aground by the said Belt; that after attempting in vain to heave off the Schooner, the three Privateer's men quitted the said Schooner, and went in her boat on board the said Privateer, leaving Captain Belt and two of his crew in possession of the said

[1] The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates.*

Schooner. That about ¾ of an hour after the Schooner grounded and was quitted by the privateersmen, a party of Militia commanded by one Caleb Ansell came on board and beat off some boats sent in by the said Privateer, and thereby saved the said Schooner. That the said Caleb Ansell afterwards, on behalf of himself and his company of Militia, on the ninth day of June last, exhibited his Libel in the Court of Admiralty for the port of Currituck, in the said State of North Carolina against the said Schooner and her cargo on board, alledging as a cause of forfeiture, "that the same was British property, that she was taken in Currituck on the said ninth day of June by one Goodrich, an enemy of these States, and was retaken by the said Ansell and his company of Militia." That answers were put in to the said Libell by the said Belt and Peter Kirwin, one of the owners of the said Schooner, to which the Libellant demurred in law, and on joinder in demurrer the same was affirmed; and thereon on the nineteenth day of June a jury was impannelled, sworn and gave their verdict "that one-eighth of the true value of the said Schooner and her cargo was a lawful prize to the Libellants, together with costs of suit;" and on the next day the Judge gave judgement thereupon.

Your Committee beg leave further to report that it appears to your Committee, that the said Peter Kirwin and Middleton Belt, the Claimants, on the said twentieth day of June prayed an appeal from the said sentence to Congress, and thereupon the Court ordered, "that a Court should be opened on the 29th June next following for the purpose of lodging the said appeal and carrying the same into execution." That on the same twenty-ninth of June the said Claimants offered security (admitted by the Judge to be sufficient) for prosecuting the appeal, but the same was not accepted.

Your Committee further report, that it appears to them, that on the 10th of June, 12 Hdgs of molasses and 59 bags of salt part of the Cargo, were taken out of the said Schooner, and put into a lighter (but whether with the consent of Captain Belt does not appear,) and carried to Churches Island, and there sold for £1604 2, of which Wallace Bray, owner of the lighter, purchased to the amount of £384 14; Caleb Ansell, Captain of the Militia and libellants, to the amount of £759 6; and Colonel Jarvis, Judge of the Court of Admiralty, to the amount of £32 18; Amounting to £1176 18 0. That the charges claimed and deducted out of the said Sales amount to £887 12 7½, among which £173 15 0 is charged for the wages and victualling of Captain Ansell, his Lieutenant and Ensign, and thirty seven Militia, for ten days on

board the said Schooner; £100 as a fee to William Cummings Esq., for pleading the cause for the Libellants; £20 to the State advocate; £100 for five days freight, and £230 for 23 days demurrage of the said Lighter.

Your Committee further report that it appears to them that on Monday the 22nd June, the said Schooner and the residue of her cargo, was taken and carried out of the said Inlet by seven persons in a small boat; that on the preceding evening all the guard of militia except three men and two boys left the said Schooner; that the said Guard refused to make any resistance, tho' requested by Captain Belt, that the said Schooner and her cargo was thereby lost to the owners, who estimate the value thereof to £17,750 17 6 Virginia Currency.

Your Committee further report, that it does not appear to them, that the said Schooner was in the possession of the enemy 24 hours.

Your Committee beg leave to submit the following resolutions to the Consideration of Congress.

That an appeal be granted to the said John Harper on behalf of himself, and the other owners of the said Schooner called the *Liberty*, and her cargo, if he shall think proper to prosecute it, and that on his application an order issue by Congress to the Register or Clerk of the Court of Admiralty for the port of Currituck, in the State of North Carolina, to transmit to the Secretary of Congress a copy of all the proceedings in the said Court against the said Schooner called the *Liberty* and her cargo.

Agreed

That it be recommended to the Executive Authority of the State of North Carolina, immediately to take the most speedy and effectual Measures to discover and bring to trial and exemplary punishment the persons who carried off the said Schooner *Liberty* and her cargo.

Agreed

That the Secretary transmit to the Legislature of the State of North Carolina a copy of the Report of the Committee, and that it be earnestly recommended to the Legislature of that State to inquire into the truth of the facts stated in the said Report, and if found to be true to pass an act to make compensation to the owners of the said Schooner and her Cargo for the loss they have sustained.

Ordered, That a Copy of the said Report be sent to the Legislature of the State of Virginia.[1]

[1]The last four paragraphs are in the writing of Belcher P. Smith; the preceding parts, in that of James Smith?. The report is in the *Papers of the Continental Congress*, No. 19, III, folio 67.

Ordered, That the memorial of Captain Harper and the papers relative thereto, be delivered to Mr. R[ichard] H[enry] Lee.

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 2, 1778

A letter, of 27 October, from Brigadier Count Pulaski, was read:[1]

Ordered, That it be referred to the Board of War.

A letter, of this day, from Christopher Hele, was read.

A letter, of 30th October, from W[illiam] Killen, chief justice of the State of Delaware, was read, with sundry affidavits enclosed:

Ordered, That the same be referred to the committee appointed to enquire into the abuses of the quarter master general's department.

A letter, of 1, from the council of New Jersey, was read:

Ordered, That a copy thereof be sent to General Washington, and that he be directed to take order thereon.

A letter, of 27 October, from Governor Johnson, was read, enclosing one of 16 July, from hon. Arthur Lee, at Paris, directed to him:[2]

Ordered, That the same be referred to a committee of three, who are directed to confer with the hon. Sieur Gérard, ||minister plenipotentiary of France|| thereon:

The members chosen, Mr. G[ouverneur] Morris, Mr. [William Henry] Drayton, and Mr. S[amuel] Adams.

A letter, of 27 October, from Mr. President Rodney, of Delaware, and one of 29 of the same month, from Mr. J. M'Kinley, with sundry papers enclosed, were read.

[1] The letter of Pulaski is in the *Papers of the Continental Congress*, No. 164, folio 54.

[2] The New Jersey letter is in the *Papers of the Continental Congress*, No. 68, folio 417; that of Johnson, in No. 70, folio 281; that of Lee, on folio 285.

A letter, of 22 September, from Major General [R.] Howe, was read:[1]

Ordered, That it be referred to the committee appointed to prepare a plan for procuring reinforcements.

Another letter, of 22 September, from Major General Howe, was read:

Whereas a considerable force hath been directed to assemble at Charleston, in South Carolina, for the defence of that State and Georgia, and it is possible that the enemy may not make an attack in that quarter,

Resolved, That in such case Major General Lincoln be directed to endeavour to reduce the province of East Florida.

Ordered, That the letter be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [William Henry] Drayton, and Mr. [Edward] Telfair.

A letter, of 1st August, from Colonel Malcolm, was read:[2]

Resolved, That a chaplain be appointed to the garrisons in the posts on Hudson's river, in the Highlands, and that he be entitled to the same pay and subsistence as a brigade chaplain:

Congress proceeded to the election, ||and the ballots being taken,|| when the Rev. Mr. John Mason was appointed ||chaplain to the garrisons in the said posts:||

The committee to whom were referred the letter of 8 October, from Governor Trumbull, and the memorial of William Hoskins, brought in a report; which was read:

That for the service of the late Joseph Trumbull, Esq., as Commissary general of Stores and Provisions for the army of the United States, executed with fidelity and great œconomy, under the risk and embar-

[1] Rodney's letter is in the *Papers of the Continental Congress*, No. 70, folio 671; that of McKinley, in No. 78, XV, folio 399; that of Howe, in No. 160, folio 491.

[2] Howe's letter is in the *Papers of the Continental Congress*, No. 160, folio 483; that of Malcolm, in No. 78, XV, folio 369.

rassments peculiar to the business of his department in the early stages of it, a half per Cent. on all the monies received and expended by him for the use of his Department, be allowed to his legal representative on the close of his accounts, in lieu of former allowances deducting what, if anything, has been received thereon.

Recommitted 5 Nov:

That William Hoskins be appointed and impowered to call to account and settle with all persons employed by the late Commissary General Trumbull, whose accounts are yet unclosed, and to prepare as soon as possible and lay before the Treasury for a final settlement, all the accounts of the said Commissary General; and that the said Hoskins be allowed for his Services therein at the rate of 2,000 Dollars a year.[1]

Recommitted

Ordered, That the consideration thereof be postponed to Wednesday.

A memorial from Lieutenant Colonel Oswald, was read, requesting leave to resign his commission as lieutenant colonel in the corps of artillery; Whereupon, it was moved,[2]

That the memorial of Lieutenant Colonel Oswald be referred to the committee of arrangement, and that General Washington be directed to transmit to the said committee the principles upon which was grounded the determination of the board of general officers, convened to adjust the relative rank betwixt Colonel Lamb and Colonel Harrison, and of Lieutenant Colonel Oswald and Lieutenant Colonel Carrington, together with a state of the claims of the respective officers above-mentioned; and that the committee report to Congress on the premises as soon as possible:

That the President be directed to inform Lieutenant Colonel Oswald, that Congress, having ordered an enquiry to be made into the principles upon which the board of general officers settled the relative rank betwixt himself

[1] This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 19, VI, folio 61. It is printed, in part, under March 31, 1779, *post*.

[2] This memorial is in the *Papers of the Continental Congress*, No. 41, VII, folio 206.

and Lieutenant Colonel Carrington, they cannot for the present accept his resignation.

The previous question was moved, that that question be not now put; and the yeas and nays being required by Mr. [William] Duer,

Massachusetts Bay,			
Mr. S. Adams,	ay	ay	
Gerry,	ay		
Lovell,	ay		
Holten,	ay		
Rhode Island,			
Mr. Marchant,	no	no	
Connecticut,			
Mr. Sherman,	ay	ay	
Ellsworth,	ay		
New York,			
Mr. Duer,	no	div.	
G. Morris,	ay		
New Jersey,			
Mr. Witherspoon,	ay	ay	
Pennsylvania,			
Mr. Roberdeau,	ay	ay	
Clingan,	ay		
Maryland,			
Mr. Henry,	ay	*	
Virginia,			
Mr. M. Smith,	ay	*	
North Carolina,			
Mr. Penn,	ay	ay	
Harnett,	ay		
Williams,	ay		
South Carolina,			
Mr. Laurens,	ay	ay	
Drayton,	ay		
Hutson,	ay		
Georgia,			
Mr. Telfair,	ay	div.	
Langworthy,	no		

So the main question was set aside.

A motion was then made,

That the memorial be referred to General Washington, and that he be directed to report his opinion thereon, together with the grounds on which the board of general officers determined the relative rank of the memorialist and Lieutenant Colonel Carrington, and the difference between the cases of Colonels Lamb and Harrison, and of Lieutenant Colonels Carrington and Oswald:

A previous question was moved, that that question be not now put; and the yeas and nays being required by Mr. [William] Duer,

Massachusetts Bay,		
Mr. Gerry,	no	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant	no	no
Connecticut,		
Mr. Sherman,	no	div.
Ellsworth,	ay	
New York,		
Mr. Duer,	no	div.
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Clingan,	ay	
Maryland,		
Mr. Henry,	ay	*
North Carolina,		
Mr. Penn,	ay	no
Harnett,	no	
Williams,	no	
South Carolina,		
Mr. Laurens,	no	ay
Drayton,	ay	
Hutson,	ay	
Georgia,		
Mr. Telfair,	no	no
Langworthy,	no	

So the main question was set aside.

A motion was then made, that the resignation of Lieutenant Colonel Oswald be accepted:

At the request of South Carolina, the determination of that question was put off till to morrow.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 3, 1778

Mr. [John] Collins, a delegate from Rhode Island, attended, and took his seat in Congress:

A letter, of 24 October, from Governor Trumbull, was read, advising, that he has drawn on the President of Congress for 50,000 dollars, and enclosing the bill:

Ordered, That it be referred to the Board of Treasury.

A memorial from Colonel Gridley, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Nathaniel] Scudder, Mr. [John] Collins and Mr. [Samuel] Holten.

A letter, of 31 October, from the Board of War, was read, with a list of officers exchanged.[1]

A letter, of 1 August, from Abraham Livingston, continental agent in South Carolina, was read, requesting leave of absence, for reasons therein set forth:

Resolved, That Mr. A. Livington have leave of absence.

Ordered, That the letter be referred to the Marine Committee.

An extract from the journal of the general assembly of South Carolina was || laid before Congress, and || read:[2]

Ordered, That it be referred to the committee on the letter of 22 September, from Major General Howe, and that the committee report to morrow.

Captain Stoddard, of Colonel Hartley's regiment was nominated for secretary to the Board of War by Mr. [Nathaniel] Scudder.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Marine Committee, for the sum of five thousand dollars advanced on their application dated the 29 October for contingent expences; the said Committee to be accountable.[3]

On motion, *Resolved*, That the resolve fixing the salary of the auditor general at 3500 dollars per annum, be reconsidered. A motion was then made that the salary of the auditor be 4000 dollars per annum: and the yeas and nays being required by Mr. [Henry] Marchant,

[1] This letter and list are in the *Papers of the Continental Congress*, No. 147, II, folios 351 and 355.

[2] This extract, dated September 8, is in the *Papers of the Continental Congress*, No. 72, folio 469.

[3] This report, dated November 2, is in the *Papers of the Continental Congress*, No. 136, II, folio 663.

Massachusetts Bay,		
Mr. Gerry,	ay	no
Lovell,	no	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Sherman,	no	no
Ellsworth,	no	
New York,		
Mr. Duer,	ay	ay
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. Roberdeau,	no	no
Clingan,	no	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Henry,	ay	*
Virginia,		
Mr. M. Smith,	ay	*
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	ay
Mathews,	ay	
Hutson,	ay	
Georgia,		
Mr. Walton,	ay	ay
Telfair,	ay	
Langworthy,	ay	

So the states being divided, the question was lost.

A motion was made to reconsider the resolve for settling the salary of the comptroller: and the question put, passed in the negative.

Congress proceeded to the election of officers for the treasury, and, the ballots being taken, Jonathan Trumbull, Jun. was elected Comptroller, John Gibson was elected Auditor, Michael Hillegas was elected Treasurer, James Milligan, William Govett, Resolve Smith, Peter Philips, James Wells, William Geddes, commissioners of the chambers of accounts.

The committee to whom were referred the letter of the Marquis de la Fayette, of the 27 October, and the letter of the Chevalier Mauduit du Plessis, with the papers relating thereto, brought in a report, which was read:

That a [Brevet] Commission of Colonel of Artillery be granted to the Chev[r] Mauduit Du Plessis, Lieutenant Colonel of Artillery in the service of the United States as a testimonial of the high sense which Congress entertain of his zeal, bravery and

Disagreed

good conduct, displayed on many occasions and particularly of the services rendered to the United States in the action of Monmouth on the [28th Day of June] last, and that he be allowed the sum of £250 sterling for his Expences in coming to and returning from America.

That the Commission of Colonel by Brevet be granted to Monsr Gimat, Lieutenant-Colonel in the service of the United States for his Zeal and good conduct, [that an honorary certificate be given to Monsr Gimat] and that he be allowed the same sum, [allowed Monsr Duplessis in full] for his expences in coming to and returning from America.

Per qu. carried

That the Commission of Lieutenant Colonel by Brevet be granted to Monsieur Noirmont de la Neuville, Major in the service of the United States, ~~and that in consideration of his expences~~ he be allowed the sum of £50 sterling for his Expences in coming to America and for his return.

Disagreed

Disagreed

That the Commission of Major by Brevet be granted to Monsieur Capitaine, a Captain in the service of the United States, and that be be allowed the sum of [twenty-four hundred livres tournois] for his Expences in coming to and returning from America.

Agreed

That Monsieur de la Colombe be allowed the sum of [eleven hundred and fifty Livres tournois] for his Expences in coming to and returning from America.

Agreed

That Monsieur Pontgibeau be allowed the sum of £105 sterling for his Expences incurred on coming to America and for his return.[1]

Agreed

The first paragraph being again read, viz.

That a brevet commission of colonel of artillery be granted to the Chevalier Mauduit du Plessis, lieutenant colonel of artillery in the service of the United States, as a testimonial of the high sense which Congress entertain of his zeal, bravery and good conduct, displayed on many occasions, and particularly of the services rendered to the United States in the action of Monmouth, on the 28 day of June last:

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, II, folio 163. The words in brackets are in the writing of Henry Laurens.

On the question to agree to this part of the report, the yeas and nays being required by Mr. [Henry] Marchant,

Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Marchant,	no	no
Collins,	no	
Connecticut,		
Mr. Sherman,	no	no
Ellsworth,	no	
New York,		
Mr. Duer,	no	div.
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. Roberdeau,	no	no
Clingan,	no	
Delaware,		
Mr. M'Kean,	no	no
Virginia,		
Mr. M. Smith,	no	*
North Carolina,		
Mr. Penn,	ay	div.
Harnett,	no	
South Carolina,		
Mr. Laurens,	ay	div.
Drayton,	no	
Mathews,	no	
Hutson,	ay	
Georgia,		
Mr. Telfair,	no	no
Langworthy,	no	

So it passed in the negative.

Ordered, That the remainder of the report be recommitted;

Ordered, That Mr. [James] Lovell be added to the committee.

Ordered, That Mr. G[ouverneur] Morris be excused from attending.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 4, 1778

The hon. Sieur Gérard, minister plenipotentiary || and consul general of France, || having transmitted to Congress a commission appointing the Sieur Plombard, consul of France in the State of South Carolina, the same was read and confirmed:

Ordered, That it be referred to the Marine Committee; that they register the same and notify the appointment to those whom it may concern, and then return the commis sion to the hon. Sieur Gérard.

A letter, of 26 October, from Brigadier Count Pulaski; one of the 3 November, from Peter Craig; and one of this day, from Charles Führer and Kleinschmit, were read:

Ordered, That they be referred to the Board of War.

A letter, of this day, from Mons. L'Eclise, and a petition from Monsr Prudent La Junesse, were read:

Ordered, That they be referred to the Board of Treasury.

A letter, of 1, from Major General Lord Stirling, was read:[1]

The Committee on the Treasury brought in a report; Whereupon,

Treasury Office, *November 3, 1778.*

The Committee on the Treasury beg leave to Report the following Resolutions:

Whereas by the Representation of Major General Mifflin, late Quarter Master General, it appears that Sundry Officers of the Army not of the Department aforesaid, have been authorized by General Washington to collect Horses and Waggons, as well to prevent their falling into the Hands of the Enemy, as for the use of the Army: And whereas many of the owners of such Horses and Waggons, having Certificates of the Delivery to Officers so authorized, have applied for Payment, and no Mode has been appointed for that purpose,

Resolved, That be commissioners to receive such Certificates, ascertain the value of the said Articles at the Time of the delivery, and draw on General Mifflin or such person as he shall appoint, for payment of the same; And that they call to account the Officers issuing the Certificates for the Horses and Waggons by them respectively received.

Ordered, That a warrant issue on the treasurer in favour of Mr. S[amuel] Holten, one of the delegates of the State

[1] Craig's letter is in the *Papers of the Continental Congress*, No. 78, V, folio 263; that of Führer and Kleinschmidt, in IX, folio 193; that of L'Eglise, in VIII, folio 285; that of Jerinesse in No. 42, IV, folio 9; and that of Stirling, in No. 162, folio 543.

of Massachusetts bay, for fifteen hundred dollars, advanced upon his application; for which the said State is to be accountable:

That a warrant issue on the treasurer in favour of Jeremiah Wadsworth, commissary general of purchases, for nine hundred thousand dollars, for the use of his department; for which he is to be accountable:[1]

That a warrant issue on the treasurer in favour of the pay master of the Board of War and Ordnance, for five hundred thousand dollars, to be by him transmitted to Benjamin Stelle, Esq. deputy pay master at Providence; and that the said sum be charged to Ebenezer Hancock, deputy pay master general in the eastern district, who is to be furnished with a copy of this order; he to be accountable:

Resolved, That ten million one hundred dollars, in bills of credit, be emitted under the direction of the Board of Treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 26th day of September last, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

45,455 bills of the denomination of		60 dollars	2,727,300
45,455	do.	50	2,272,750
45,455	do.	40	1,818,200
45,455	do.	30	1,363,650
45,455	do.	20	909,100
45,455	do.	8	363,640
45,455	do.	7	318,185
45,455	do.	5	227,275
			10,000,100[2]

[1] This report, dated November 3, is in the *Papers of the Continental Congress*, No. 136, II, folio 671. The following names are endorsed on the report: John Shee, Jacob Barge, Leonard Stoneburner, William Gray, Colonel Lutterloh, Jacob Graff.

[2] This report, dated November 3, is in the *Papers of the Continental Congress*, No. 136, II, folio 669

Ordered, That a warrant issue on the treasurer in favour of Thomas Kennedy, for fifty thousand dollars, in discharge of a bill drawn by his Excellency Jonathan Trumbull, Esq. governor of the State of Connecticut, dated Hartford, October 24, 1778, in favour of Nathaniel Shaw, for that sum, on the president of Congress; the State of Connecticut to be accountable:

That a warrant issue on the treasurer in favour of Jeremiah Wadsworth, commissary general of purchases, for two million three hundred thousand dollars, for the use of his department:

That a warrant issue on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania, in favour of Jonathan Potts, deputy director general, for one hundred and thirty thousand dollars, for the use of his department; he to be accountable:[1]

A motion being made respecting the medical department,

Ordered, That it be referred to the Medical Committee.

Congress proceeded to the election of two members of Congress to attend the Board of War, and, the ballots being taken,

Mr. [Roger] Sherman and Mr. [John] Mathews were elected.

Congress proceeded to the election of a secretary of the Board of War and Ordnance, and, the ballots being taken.

Major Peter Scull was elected.

Ordered, That 300 copies of the treaties of amity and commerce, and of alliance, ||entered into between his most Christian majesty and the United States of America,|| be printed.

[1]This report is in the *Papers of the Continental Congress*, No. 136, II, folio 665.

Congress proceeded to the election of three commissioners of the navy board in the middle district, and, the ballots being taken,

John Wharton, James Read and William Winder, were elected.

Resolved, That a committee of three be appointed to confer with the managers of the lottery, and report to Congress a proper allowance for their services:

The members chosen, Mr. [Henry] Marchant, Mr. [Daniel] Roberdeau, and Mr. [Samuel] Holten.

||Adjourned to 10 o'Clock to Morrow.||

THURSDAY, NOVEMBER 5, 1778

Mr. W[illiam] Whipple, a delegate from New Hampshire, attended and took his seat in Congress.

A letter, of 21 October, from E. Hinman, late captain of the *Alfred*, ||was read.||[1]

A letter, of 29 October, from General Washington, with sundry papers enclosed, was read:

Ordered, That the same be referred to a committee of three, and that they be empowered to take such steps thereon as they shall think proper:

The members chosen, Mr. [Nathaniel] Scudder, Mr. G[ouverneur] Morris, and Mr. [William] Whipple.

A letter, of 31 October, from General Washington, was read, enclosing a letter of the 16 of the same month, to him from J. Connolly:[2]

Ordered, That the letter from J. Connolly be referred to the committee on the letter of 15 September, from Mr. Beatty, commissary general of prisoners.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 355.

[2] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 427; that of Connolly is on folio 435.

A letter, of 30 ||October||, from J. Beatty, commissary general of prisoners, was read, enclosing a letter of 29 ||of the same month,|| to him, from James Dick, at New York:[1]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [John] Witherspoon, Mr. [William Henry] Drayton, and Mr. S[amuel] Adams.

A report from the Board of War was read; Whereupon,

WAR OFFICE, *November 4th, 1778.*

By accounts received from the frontiers of this State at and in the neighbourhood of Fort Roberdeau it appears that large numbers of the Militia of this state have been called out, but that few have staid at the posts even for their tour of duty. That they have left the officers commanding there in great distress, all on the very day of the expiration of their times, and a great proportion on one pretext or other before that period. That they are under little or no command, and of course useless and very expensive. It is therefore thought that if the companies raised for the defence of the frontiers and now under the command of Capt: Thos. Cluggage, Capt: Black and Capt: McDonald could be reinlisted and augmented (their times of service expiring the 15th of Decr. next) the States would save money, and the service required would be better and more certainly done. The plan for raising the two Regiments intended to go on the Western expedition was to give a suit of clothes Bounty and the usual pay on the men's engaging for one year. From the smallness of the number engaged in those Regiments there is a large proportion of clothing intended for them now on hand at Winchester in Virginia which would serve the companies which are the subjects of this Report, or the clothes might be sent from hence as should be found most convenient. The Board therefore beg leave to report to Congress;

Resolved, That the three companies commanded by Captains Cluggage, Black, and M'Donald, raised for the defence of the frontiers of Pensylvania, be re-inlisted and compleated to their full complement, for the space of one year, from the 15 day of December next, unless sooner discharged by Congress.

[1] These letters are in the Library of Congress, *United States Revolution*, IV.

That every non-commissioned officer and private inlisting in the said companies, receive as a bounty a suit of cloathes, to consist of the articles usually allowed the continental troops, and that it be stipulated with the said non-commissioned officers and privates so inlisting, that they shall not be removed from the frontiers of the said state, on any account whatsoever, except on expeditions against the Indians.[1]

A letter, of this day, from Lieutenant Colonel Gimat, was read;[2] Whereupon,

The committee to whom a report upon the letter, from the Marquis de la Fayette, of the 27 of October, and the letter from Chevalier Mauduit du Plessis, with the papers relating thereto, was re-committed, brought in a report, ||which was taken into consideration, and|| whereupon Congress came to the following resolutions:

Whereas the Chevalier Mauduit du Plessis, lieutenant colonel of artillery in the army of these United States, apprehending that the war is near a conclusion in this country, is desirous of returning to France, to offer his service to his prince, now engaged in hostilities with our common enemy:

Resolved, That the Chevalier Mauduit du Plessis have leave to withdraw from the service of these United States, and that the President give a written testimonial to him of the high sense which Congress entertains of his zeal, bravery, and good conduct, during his service in America.

And whereas the Chevalier came out from France at his own expence, and has never received any of the advances and gratuities which have been made to the other officers of Mons. Du Coudray's corps:

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 357.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 121.

Resolved, That a bill of exchange be drawn on the minister plenipotentiary of the United States at the court of France, in favour of the Chevalier Mauduit du Plessis, for five thousand livres tournois, and that the sum of two hundred dollars be paid to him, the same to be in full of all gratuities claimed, or demands made or to be made by him against these United States.[1]

Resolved, That an honorary certificate of his zeal and services be given to Lieutenant Colonel Gimat, and that a bill of exchange be drawn on the minister plenipotentiary of the United States at the court of France, in favour of Lieutenant Colonel Gimat, for five thousand livres tournois, and that the sum of two hundred dollars be paid him to defray his expences to the port of embarkation.

Resolved, That the commission of major by brevet be granted to Mons. Capitaine, a captain in the service of the United States, and that a bill of exchange for two thousand four hundred livres tournois be drawn on the minister of the United States at Paris, in favor of Mons. Capitaine, for his expences in coming to and returning from America.

Resolved, That a bill of exchange for eleven hundred and fifty livres tournois be drawn on the minister aforesaid, in favour of Mons. de la Colombe, for his expences in coming to and returning from America.

Resolved, That a bill of exchange for eleven hundred and fifty livres tournois be drawn on the minister aforesaid, in favour of Mons. Pontgibeau, for his expences in coming to America, and for his return.

On motion, *Resolved*, That John Laurens, Esq. aid de camp to General Washington, be presented with a continental commission of lieutenant colonel, in testimony of

[1] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, II, folio 161*.

the sense which Congress entertain of his patriotic and spirited services as a volunteer in the American army, and of his brave conduct in several actions, particularly in that on Rhode Island, on the 29th day of August last; and that General Washington be directed, whenever an opportunity shall offer, to give Lieutenant Colonel Laurens command agreeable to his rank.

The committee to whom was referred the letter of Governor Trumbull, respecting Major Dericks's, and Mr. Erkelens's plan of a negotiation for a loan, brought in a report; Whereupon,

Resolved, That Major Dericks be permitted to return to the United States of the Netherlands, and that he be promoted to the rank of lieutenant colonel by brevet, as a testimony of his merit and services in the army of these United States.

Ordered, That the President return an answer to Governor Trumbull, and also to Mr. Erkelens, thanking him for his zeal in the service of the United States, but informing him and Governor Trumbull that Congress are not yet prepared to adopt the scheme of a negotiation for the loan proposed.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 6, 1778

Resolved, That Mr. [William] Whipple, of New Hampshire, be appointed a member of the Marine Committee, in the room of Mr. [Josiah] Bartlett, who is absent.

A letter, of this day, from Lieutenant Colonel J. Laurens, was read, expressing "his gratitude for the unexpected honor which Congress were pleased to confer on him by the resolution passed yesterday, and the high satisfaction it would have afforded him, could he have accepted it

without injuring the rights of the officers in the line of the army, and doing an evident injustice to his colleagues in the family of the Commander in Chief: that, having been a spectator of the convulsions occasioned in the army by disputes of rank, he holds the tranquillity of it too dear to be instrumental in disturbing [it]; and therefore entreating Congress to suppress the resolve of yesterday, ordering him a commission of lieutenant colonel; and to accept his sincere thanks for the intended honor:" Whereupon,

Resolved, That Congress highly approve the disinterested and patriotic principles upon which Lieutenant Colonel J. Laurens has declined to accept the promotion conferred upon him by Congress.

A letter, of 5, from P. Scull, was read, notifying his acceptance of the appointment of secretary to the Board of War.

A letter, of 4, from Mr. President Rodney, ||of the State of Delaware,|| was read,[1] informing, "that the members of the house of assembly have, by some means or other, in the course of the 2d and 3d inst. dispersed, and thereby the house dissolved, without having compleated any one piece of business laid before them:" Whereupon,

Ordered, That the President write to the Hon. C. Rodney, Esq. president of the State of Delaware, and request him to call the assembly of that State together as soon as possible.

A letter, of 12 October, from Major General R. Howe, was read, enclosing a return of the stores belonging to the United States in the arsenal and magazine at Charleston, South Carolina:[2]

Ordered, That the letter be referred to the committee on the memorial from the Marquis de Britigny:

[1] Scull's letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 331; that of Rodney, in No. 70, folio 675.

[2] This letter is in the *Papers of the Continental Congress*, No. 160, folio 495.

That the return of stores be referred to the Board of War and Ordnance.

A letter, of 5, from J. Simon to the Board of War, and a copy of one of 28 October, from J. Loring, at New York, to David Franks, were laid before Congress:[1]

Ordered, That the same be referred to the Board of War, and that they be directed to report thereon.

The Committee of the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on John Gibson, Esq. auditor general, for two hundred and sixty thousand five hundred and thirty-eight and 48/90 dollars, in favour of Michael Hillegas, treasurer, it being the balance of the last million of dollars put into the hands of the said auditor general; for which the treasurer is to be accountable.[2]

Ordered, That a warrant issue on the treasurer in favour of Dr. J[ohn] Witherspoon, one of the delegates of the State of New Jersey, for three hundred dollars, advanced upon his application; for which the state of New Jersey is to be accountable.[3]

Adjourned to 10 o'Clock to Morrow.[4]

SATURDAY, NOVEMBER 7, 1778

A memorial of Captain Stephen Chambers, being presented, was read.[5]

Sundry certificates relative to the purchase of horses by Colonel Hartley were read; Whereupon,

[1] Simon's letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 335.

[2] This report, dated November 5, is in the *Papers of the Continental Congress*, No. 136, II, folio 675.

[3] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 677.

[4] From this point to the end of this day's entries the writing is that of Belcher P. Smith.

[5] This memorial is in the *Papers of the Continental Congress*, No. 41, II, folio 43.

Ordered, That the quarter master general be directed to pay for horses purchased by order of Colonel Hartley, for the purpose of marching the infantry commanded by Lieutenant Carberry, and for baggage horses on the late excursion against the Indians, on proper certificates being produced.

A letter of the 29 October, from Major General Heath, was read:

Another letter of the same date inclosing a letter from Major Harnage, was read.

Ordered, That they be referred to a committee of three;

The members chosen, Mr. [James] Lovell, Mr. [Nathaniel] Scudder, and Mr. [Henry] Marchant.

A letter, of the 31 October, from General Sullivan, at Providence, || was read, || inclosing a letter from Major Talbot:

Ordered, That the letter of Major Talbot be published and referred to the Marine Committee.

A petition from Mons. Lasserre was read:[1]

Ordered, That the petition be dismissed.

A letter, of the 30 October, from General Schuyler, with sundry papers enclosed, was read:

Ordered, That they be referred to the Board of War.

Resolved, That Wednesday next be assigned for consideration of the proceedings of the court martial on General Schuyler.

A petition of Chevalier de Crenis was read; Whereupon,

Resolved, That a brevet commission of lieutenant colonel be granted to the Chevalier.

A letter, of the 8 October, from J. Connolly, was read:

Ordered, To be referred to the committee to whom was referred that of the 15 September from J. Beatty.

[1] Heath's letters are in the *Papers of the Continental Congress*, No. 157, folios 217 and 221; that of Sullivan, in No. 160, folio 207. The petition of Lasserre, dated November 7, is in No. 42, IV, folio 168.

A letter, of the 7th, from D. Franks, was read.[1]

The committee to whom was referred the letter of D. Franks to Moses Franks, then brought in a report; Whereupon,

Resolved, That the letter of David Franks of the 18 day of October last, and the proceedings of Congress thereon, be transmitted to the supreme executive council of the State of Pensylvania, and that he be no longer considered as a prisoner of the United States.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the hon. John Williams, Esq. one of the delegates of the State of North Carolina, for eight hundred dollars, advanced upon his application; the said State to be accountable:

That a warrant issue on the treasurer in favor of William Kennon, copper plate printer, for two hundred dollars, advanced him on account of printing bills of exchange:[2]

Resolved, That a warrant issue on the treasurer in favor of the Marquis de la Fayette, major general in the service of the United States, payable to his order, agent or attorney, for three thousand seven hundred and eighty-seven and thirty-six ninetieths dollars, for sundry expences and disbursements in consequence of his appointment to the command of the northern department, in February last.

Ordered, That the chaplains of Congress be directed to prepare and report a recommendation to the several states, for setting apart the 30th day of December next, as a day of general thanksgiving throughout the United States.

[1] Schuyler's letter is in the *Papers of the Continental Congress*, No. 153, III, folio 364; that of Connolly, in No. 78, V, folio 241; that of Franks, in IX, folio 197.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 681.

The Board of War to whom were referred the letter of J. Simons, of the 5, and of 28 October, from J. Loring to David Franks, brought in a report; Whereupon,

At a Board of War, *November 7, 1778.*

Present M^r^ Sherman, M^r^ Matthews, M^r^ Peters.

The Board having taken into their Consideration the letters from Joseph Simons, and Joshua Loring relative to the Supply of the British Prisoners of War beg leave to report to Congress:

That from the Evidence which has appeared to the Board, they are of opinion that David Franks Esq^r^ is and ought to be, treated and considered as the Agent Employed by the Enemy for the Supply of their Troops captivated by the United States, and as such has been acknowledged by them in many Instances, notwithstanding the Terms in which M^r^ Loring's Letter is couched are intended to induce the contrary Opinion,

That from the Conduct of the said M^r^ Franks, Congress having thought proper to forbid his further Proceeding in his former Employment, and the Enemy not having after Notice given, thought proper to authorize any Person with the Approbation of Congress, to supply their Prisoners with Provisions, they must be reduced to speedy Want if some measures are not taken for their supply: Therefore we take the Liberty of suggesting the following Resolutions:

Resolved, That the commissary general of prisoners be directed to take proper measures, until the farther order of Congress, for the temporary supply of the British prisoners of war captivated by the army of the United States, with such quotas of rations as are furnished our prisoners in the hands of the enemy by the British commissaries:

That the commissaries general of purchases and issues and their deputies, be directed to comply with such requisitions as shall be made to them, from time to time, by the commissary general of prisoners, for such articles of provision as shall be necessary for furnishing the British prisoners agreeably to the above direction of Congress.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 359.

Ordered, That the secretary furnish the commissary of prisoners with the copy of the letter of 19 January, 1778, from General Sir William Howe to General Washington, with the papers enclosed, specifying the quota of rations furnished to our prisoners in the enemy's hands by the British commissaries.

Ordered, That the memorial of ||Lieutenant|| Colonel Oswald, presented ||and read|| the 2d instant, be referred to a committee of three:

The members ||chosen,|| Mr. [Roger] Sherman, Mr. [William] Duer, and Mr. [Henry] Marchant.

A letter, of the 6, from Captain [Samuel] Mansfield, desiring leave to resign ||his commission,|| was read.[1]

Resolved, That his resignation be accepted, and that the commission be sent to the Board of War, who are directed to make such endorsement thereon as they shall think suited to his merit.

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 9, 1778

Mr. F[rancis] L[ightfoot] Lee, a delegate from Virginia, attended, and took his seat.

A letter, of 26 October, from Major General Sullivan, was read, with sundry papers enclosed respecting forage:

Ordered, That the same be referred to the Board of War.

A letter, of 30 October, from Major General Gates, at Hartford; one of 30 October, from Peter Colt; and one of the same day, from Governor Trumbull; and one of 5 instant from Major General Lord Stirling; were read:[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 407.

[2] The letter of Sullivan is in the *Papers of the Continental Congress*, No. 160, folio 197; that of Gates, in No. 154, II, folio 29; that of Colt, in No. 78, V, folio 259; that of Trumbull, in No. 66, I, folio 430; and that of Stirling, in No. 162, folio 547.

An extract from the journals of the assembly of South Carolina, purporting to be "a report of the committee on the president's message, relative to the hospital establishment and military arrangements of this State, as agreed to by the House," was laid before Congress:

Ordered, That so much thereof as relates to the hospital, be referred to the Medical Committee, and the remainder to the Board of War.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to the officers and privates of the invalid regiment, commanded by Colonel Lewis Nicola, for pay and subsistence for the month of September 1778, one thousand seven hundred and six and 60/90 dollars, as by muster rolls and pay rolls with abstract appears:

That there is due to Thomas Eddison, his pay as clerk in the secretary's office, from the 13 August to the 31 October 1778 inclusive, being two months and twenty days, at one hundred dollars per month, two hundred and sixty six and 60/90 dollars:

There is due to John Norman, for the use of his Rolling Press, when Printing Bills of Exchange, for five weeks, forty Dollars.[1]

Ordered, That the said accounts be paid.

Ordered, That so much of the report as relates to John Norman, be referred to the Board of Treasury.

A letter, of 28 October, from J. Loring to J. Beatty, was laid before Congress, and read:[2]

Ordered, That it be referred to the committee on the letter of 15 September, from J. Beatty.

The committee to whom was referred the letter of 30 October, of Commissary Beatty, and the papers enclosed, brought in a report; Whereupon,

[1] This report, dated November 7, is in the *Papers of the Continental Congress*, No. 136, II, folio 679.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 247.

Ordered, That Commissary Beatty be furnished with a copy of the resolutions of Congress on the subject of seditious papers circulated under the colour of flags, and informed, that, in the opinion of Congress, there was good reason for confining the pilot, lieutenant and crew of the vessel mentioned in his letter: that if any objections are made to it on the part of the enemy, they must be discussed and settled on national grounds, and therefore that the peremptory requisition of Admiral Gambier will not be complied with.[1]

The committee to whom was referred the letter, from Major General Heath, of October 29th, and the papers therein enclosed, brought in their report; Whereupon,

Resolved, That the resolve of Congress of October 21st, relative to partial parole exchanges, be transmitted to Major General Heath for his government: that at the same time he be informed, that Congress have no objection to his giving passes for Mrs. Reynolds, her children and female servants, to go to Europe, Rhode Island or New York; or to his allowing Major Harnage and Captain Hawker to continue on parole in the State of Massachusetts bay, with their families, upon their engaging to supply themselves.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 10, 1778

A letter, of 6, from N. Greene, quarter master general, was read.

Whereas it hath become necessary not only that speedy and vigorous measures should be taken to regulate the

[1] This report, in the writing of John Witherspoon, is in the Library of Congress, *United States Revolution*, IV.

From this point to the end of this day the writing is that of George Bond.

commissary's and quarter master's departments, but also that a constant attention should be paid to those departments:

Resolved, That Mr. [Nathaniel] Scudder, Mr. G[ouverneur] Morris and Mr. [William] Whipple be a committee to superintend the same departments, and that they, or any two of them, be empowered to take such steps relating to the same as they shall think most [advantageous] for the public service.

Ordered, That the letter from Major General Greene, be referred to the said committee.

A letter, of 6, from General Washington, and one of the same date, from W. Palfrey, pay master general, were read.

A memorial from Patrick M'Closky, and also a memorial from William Dodd, Levallin Barry, Patrick M'Closky and Richard Ross, were read:[1]

Ordered, That they be referred to the Board of Treasury, and that they be empowered to give such relief as they may think the memorialists are equitably entitled to.

An application from the Chevalier de Crenis was read:

Ordered, That it be referred to the Board of Treasury:

A letter, of 30th October, from Lieutenant Phinehas Pierce, of Captain [Simon] Spaulding's company, was read, desiring to resign his commission, on account of his being incapable of serving longer by reason of the wounds he received in the year 1776:[2]

Resolved, That the resignation of Lieutenant Phinehas Pierce be accepted.

Ordered, That twenty copies of the index to the first volume of the journal of Congress, and twenty of the sec-

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 443; that of Palfrey, in No. 165, folio 490; and that of Dodd &c. in No. 41, II, folio 437.

[2] The application of Crenis is in the *Papers of the Continental Congress*, No. 78, V, folio 265; the letter of Pierce, in XVIII, folio 205.

ond volume of the journals of Congress be delivered to the delegates of each State, for the use of their respective states.

Ordered, That the plan of finance be an order for to morrow, and that Congress proceed on the consideration of that business every day after, precisely at one o'clock, until the same be finished, and this rule be not broken unless by unanimous consent.

The committee to whom was referred a report of a committee of the General Assembly of the State of South Carolina, concurred in by the house on the 8th of September, 1778, and ordered to be transmitted to Congress; also a letter from Major General Howe, of the 22d September, relative to the reduction of the province of East Florida; brought in a report: Whereupon,

Resolved, That the President be directed to inform his excellency the president of the state of South Carolina, that Congress, by their resolution of the 2d instant, have directed Major General Lincoln to attempt the reduction of the province of East Florida, in case the enemy should not make an attack on the states of South Carolina and Georgia.

That Congress highly approve of the resolutions of the assembly of the State of South Carolina, in directing an investigation to be made into the causes of the Creek rupture, in order that reparation may be made by the offending party, in case the Creek nation shall have just cause of complaint; and in making preparations to carry the war into the Creek country, if a peace cannot be effected by negotiation.

That Major General Lincoln be authorized to enlist men into the continental battalions of the States of South Carolina and Georgia, to serve during the continuance of the expedition against East Florida.

That if Major General Lincoln shall be of opinion that the continental battalions of the States of South Carolina and Georgia, and the continental levies and recruits from the states of Virginia and North Carolina, will not be a sufficient force to proceed on the expedition against East Florida, he be authorized to engage a number of volunteers, not exceeding fifteen hundred, to serve during the continuance of the expedition; and that the volunteers so engaged be organized into such corps and commanded by such officers as Major General Lincoln shall approve of.

That Major General Lincoln be authorized to pledge the faith of the United States for granting to the officers and men, whether continental forces, volunteers or militia, who shall accompany him to East Florida, and continue in the service till the castle of St. Augustine is reduced, the same proportions of land as is allowed by the resolutions of Congress of 16th September, 1776; that this bounty shall be extended to the representatives of such officers and soldiers as shall be slain or die during the continuance of the expedition. ~~This Land to be located out of the unappropriated Land belonging to the Crown of Great Britain, and a preference to be given in the survey of them, to all other surveys whatever.~~

The said land to be located in the said province; and a preference to be given in the location to the officers and soldiers who shall be entitled as aforesaid.[1]

That the major generals, respectively, who shall go on the expedition against East Florida, be entitled to a grant of three thousand acres of land; and the brigadier gen erals, if any shall go on that service, to a grant of two thousand acres, in case the province of East Florida should be reduced.

[1] This paragraph was substituted for the preceding sentence, and is in the writing of Henry Laurens.

That the commanding officer of the southern department be authorized, if he shall judge it for the good of the service, to supply Colonel Marbury's company of light horse with a number of horses, not exceeding two hundred.

That it be recommended to the governments of North Carolina, South Carolina, and Georgia, to give every assistance in their power to Major General Lincoln, to enable him to reduce the province of East Florida.

That the President be directed to inform their excellencies the governours of the states of Maryland and Virginia, that Congress deem it of high importance to the welfare of the United States, that every exertion should be made, during the course of the winter, to reduce the province of East Florida.

That from the best information they have received, this cannot probably be effected but by a blockade by water; and therefore that it be requested of the said governments to direct such of their armed galleys as are fit for this service to be fitted out with all possible despatch, and to proceed either in company, or otherwise, as the governours of the states of Maryland and Virginia shall deem most expedient, to Charleston, in South Carolina; there to follow such orders as they shall receive from the commander in chief of the department, or from the officer appointed by Congress to command the galleys of the respective states employed on this expedition.

That till such time as the said galleys shall return to the states, to which they respectively belong, they shall be at the expence and risk of the United States. And that the governours of the states of Maryland and Virginia be directed ||desired|| to have sworn appraisement made of the said vessels, their tackle, and apparel, to ascertain their value, in case of loss.

And whereas it is represented that great difficulties have occurred in manning the said galleys; and the success of the expedition depends, in the most essential manner, on their service:

Resolved, That the governours of the states of Maryland and Virginia be authorized to assure the officers and men who shall navigate the said galleys, that the continental share of all property taken by the said galleys, or any of them, from the day of their sailing to their return to their respective stations, shall be released to the persons capturing the same, and divided amongst the officers and men, agreeably to the resolutions of Congress relative to captures.

That the governours of the respective states of Maryland and Virginia be authorized, if they shall judge it expedient, to grant a bounty, not exceeding forty dollars, to every able bodied mariner who shall enter on board any of the said galleys for the space of six months.

That the Marine Committee be directed to use every possible exertion, in co-operating with the governours of the states of Maryland and Virginia, in the expeditious manning of the galleys to be furnished for this service.

And whereas differences relative to commands may arise amongst the officers of the respective states, whose galleys are employed, which, if not guarded against, might defeat the end of the enterprise:

Resolved, That Captain John Barry be and he is hereby directed, to take the command of all the armed vessels employed on the intended expedition, [subject to the orders of the commander in chief in the southern department;][1] and that this commission continue in force till the expiration of the [intended] invasion of the province

[1] Words in brackets are in the writing of Henry Laurens.

of East Florida, [or till the further order of Congress.] That he proceed with the utmost despatch to the state of Maryland, in order to expedite the equipment of the galleys to be furnished by that state; and proceed with them to Charleston, in South Carolina.

Resolved, That Congress approve of Major General Howe's provident attention in procuring intelligence of the situation and strength of the British forces and posts in East Florida; and that any expence which may have attended this service shall be defrayed by Congress.

Resolved, That the sum of two hundred and one pounds five shillings, in specie, be granted to Major General Lincoln to facilitate his procuring intelligence of the enemy's strength and designs in the province of East Florida; and that the Board of War be directed to cause this money to be remitted by the first safe opportunity.

Resolved, That Major General Lincoln be authorized and directed, on his arrival in the province of East Florida, to issue a proclamation in the name of these United States, signifying to the inhabitants of the said province, that as he is not come to destroy, but to protect the inhabitants in the enjoyment of their rights and property, he will receive under the protection of the United States, all such persons as shall repair to his standard within a time to be limited in the said proclamation, and take an oath of [Abjuration of allegiance to the king and crown of Great Britain,][1] except such persons as may have been attainted of high treason in any of the said states. And that all such as shall unite with him in the reduction of the said province, and embody themselves under such officers as he shall approve of, shall be entitled to the same pay and emoluments as the forces engaged in the same service are

[1] These words were substituted by Henry Laurens for "allegiance to the United States;" and he added, but also struck out, "and to support the State of East Florida, a free and independent" [*incomplete.*]

entitled to. And further, that on the subversion of British tyranny in that province, and the establishment of a free government, they shall be considered as peculiarly entitled to the confidence of the United States.

~~That the Commissary General be directed to send under convoy of the armed galleys ordered to proceed from the State of Maryland to the State of South Carolina, a quantity of flour, not exceeding one thousand barrels.~~

Disagreed

That the quarter master general be directed to ship on board the armed galleys ordered from the state of Maryland to Charleston, South Carolina, a quantity not exceeding ten tons of bar iron.

And whereas Congress are of opinion, that it will tend greatly to ensure the success of the enterprise if the embargo on rice be continued in force till such time as the vessels destined to form the blockade by water shall have arrived in the basin of St. Augustine: Therefore,

Resolved, That it be recommended to the executive authority of the states of South Carolina and Georgia, to continue in force the embargo on rice till the event above mentioned shall have taken place, and no longer: [Provided, and it is hereby intended, that the said embargo shall not be and continue in force longer than the thirty first day of January next.][1]

A letter, of 13 September, from Marquis Bouillé, governor of Martinique, and directed to the Committee for Foreign Affairs, was read:

Ordered, That it be referred to the committee appointed to confer with the minister of France.

Ordered, That Mr. [Samuel] Holten be added to the committee to superintend the publication of the journals.

Adjourned to 10 o'Clock to Morrow.

[1] Added as an amendment to the report. The last two paragraphs are in the writing of William Duer. The report is in the *Papers of the Continental Congress*, No. 19, II, folio 181.

WEDNESDAY, NOVEMBER 11, 1778

Mr. [William] Ellery, a delegate from Rhode Island, attended, ||and took his seat in Congress.||

A memorial from hon. Sieur Gérard, minister plenipotentiary ||of France,|| was read, representing, that he has "purchased, for account of his most Christian majesty, the cargoes of two vessels, one called the *Gentille*, George André, master; the other the *Adventurer*, Joseph Tassis, master: which vessels are now in the port of Petersburgh, in Virginia: that both cargoes consist of between 12 and 1300 barrels of flour, and about 150 barrels of bread: that the destination of this provision requires its immediate departure; and therefore entreating Congress to give the necessary orders for the departure of these vessels:" Whereupon,

Ordered, That the President write to the governor of Virginia, explain to him the nature of this transaction, and the necessity of the vessels immediate departure, and desire him to give orders accordingly.

Ordered, That the committee on the commissary's and quarter master's department, confer with the hon. Sieur Gérard on the danger that may result from an interference with the commissary general or his deputies, in the purchase of provisions in the present situation of affairs.

A letter, of 9th, from General Conway, was read:[1]

Ordered, To lie on the table.

A letter, of 8, from Mr. President Rodney, of Delaware, was read.[2]

Congress took into consideration the report of the committee on finance, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

[1] This letter is in the *Papers of the Continental Congress*, No. 159, folio 497.

[2] This letter is in the *Papers of the Continental Congress*, No. 70, folio 679.

THURSDAY, NOVEMBER 12, 1778

A letter, of 11th, from Monsr. de Francey, was read:

Ordered, That it be referred to the Committee of Commerce.

Ordered, That Mr. [William] Whipple and Mr. [William] Ellery be added to the said committee, and that the committee be empowered to employ a suitable person as clerk.

Ordered, That Monday next be assigned for considering the commercial affairs of Congress, and the propriety of putting them into commission; and that the Committee of Commerce on that day, lay on the table a plan of conducting commercial affairs.

The Committee for Foreign Affairs laid before Congress a letter of 16, and one of 26 September, from Mr. W. Bingham, at Martinique, which were read, and returned to the Committee.

The Marine Committee laid before Congress a letter of 31 October, from W. Smith, at Baltimore, which was read, informing that Mr. Dugan's vessel, on board of which Mr. Smith had shipped flour, agreeably to the order of the Marine Committee, has been seized; Whereupon,

Ordered, That the President write to Governor Johnson, and inform him, that the Marine Committee are empowered and directed to send provisions by sea to the eastern states, for the use of the navy: that the public service requires that every aid should be given to the Marine Committee to facilitate the execution of this business; and that the government of Maryland be requested to permit the vessels taken up and loaded by order of the Marine Committee to proceed on their voyage with all despatch.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasury for seventy-five thousand dollars, in favour of Jonathan Potts, deputy director general, and another warrant in his favour on Derick Ten Broek, Esq. commissioner of the continental loan office in the State of New York, for seventy-five thousand dollars; both which sums, amounting to one hundred and fifty thousand dollars, are for the use of the hospitals in the northern department: and for which the said deputy director general is to be accountable.

The Committee on the Treasury report: That having considered the petitions of Mons. L'Eclise and Mons. La Jeunesse, referred to them by Congress, are of opinion, that to determine the merits of the first, it will be necessary that the Board of War should furnish the Committee with their proceedings referred to in the petition; and the principles on which they were grounded. And in the case of Mons. La Jeunesse, if it should be found that he has not been properly rewarded for his services, it may be expedient to appoint him an officer in Count Pulaski's legion, or some other corps commanded by foreign officers.[1]

Ordered, That the petitions of Mons. L'Eclise and Mons. la Jeunesse, which were referred to the Board of Treasury, be referred to the Board of War, and that they take such measures thereon as they shall judge expedient.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to David Mosely, for his pay, boarding, &c. as a copper plate printer, from the 25 June to the 14 November, 1778, a balance of one hundred and twenty-one dollars:

That there is due to the Rev. Mr. Lotbinier, his pay and subsistence as chaplain to Colonel James Livingston's

[1] This report is in the *Papers of the Continental Congress*, No. 78, VIII, folio 289. It is also found in No. 136, II, folio 639.

regiment, from the 11 October to the 10th November, 1778, inclusive, sixty dollars:[1]

That there is due to John Rudisell, for hire of his waggon and ferriages from York county to Amboy, and returning home in August, 1776, eighty-six and 81/90 dollars:

That there is due to George Shallus, for victualling Pensylvania militia in 1776, fifty-eight dollars:

Ordered, That the said accounts be paid.

Ordered, That the report of the commissioners on the claims of Henry Krever and Godfrey Frey, be referred to the committee appointed to superintend the departments of the commissary and quarter master general, and that they be directed to confer with the quarter master general and barrack master upon the subject, and report resolutions to determine all such cases for the consideration of Congress.

The committee to whom was referred a letter from J. Beatty, commissary of prisoners, dated September 15, 1778, together with two letters from Joshua Loring, Esq. of 1 September and 28 October, and sundry letters from John Connolly, report the following state of facts:

"That Dr. John Connolly, now stiling himself lieutenant colonel in the British service, was, in the latter end of November, 1775, apprehended in Frederick county, in Maryland, in company with a certain Allan Cameron and John Smith, by the committee of inspection of that county:

"That at the time he was taken he was not in arms; or at the head of any party of men in arms; but was clandestinely making his way to Detroit, in order to join, give intelligence to, and otherwise aid the garrison at that place, as appears by his own intercepted letter of

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 695.

the 16 December, 1775, addressed to the commanding officer of that fortress, and by General Washington's letter to Congress of the 25 December, 1775:

~~That at the Time, when the said Lieutenant John Connolly was taken (and for a considerable time after,) he did not produce or plead any commission under the King of Great Britain; although the present Commission, under which he claims to be considered as a prisoner of war is dated November 5th, 1775.~~

"That a number of officers in the British service, who were made prisoners long after the said John Connolly was apprehended, have been exchanged in course, and no demand has been made till within these few months past by any British general for the release or exchange of the officer last mentioned:

"With respect to the treatment of the said John Connolly, the committee report:

"That at the time when he was first apprehended, he was confined, under guard, by the committee of inspection in the town of Frederick, in an apartment separate from his associates, without any circumstance to aggravate his captivity, except the being debarred the use of pen, ink, and paper: that notwithstanding this restraint, he contrived to write several letters of intelligence to the British officers commanding at the posts of Detroit and Kuskuskis, which letters were found on the person of Dr. Smith, one of his associates, who, having escaped from the town of Frederick, was again apprehended:

"That, by the resolution of 8 December, 1775, he was ordered to be 'confined in prison at Philadelphia;' that being brought to that city, he was confined in the new gaol, where he continued till about the month of November, 1776, when he was permitted, on account of a declining state of health, to reside on his parole at the house of his brother-in-law on the river Susquehanna, where he

continued for about two months, when, on information being given to the council of safety of the State of Pensylvania, of certain suspicious circumstances relative to him, he was remanded to his former place of confinement, in which he continued till about the spring, 1777, when he was again permitted, on his parole, and the security of his brother-in-law, to return to his former place of residence on the river Susquehanna.

"That during these periods of his confinement in the new gaol, he had for the greatest part of the time a separate apartment to himself, the privilege of walking in the yard, a person allowed to attend him in his apartment, and his own servant permitted to fetch him such necessaries as he chose to order; and that during the short period when he had not a separate apartment, there were never more than two persons in the same room, seldom more than one, and those some of his associates, or in consequence of his particular request:

"That during these periods of time he made two attempts to escape, in which he was detected; that on authentic information being given to Congress, at York town, that the said Lieutenant Colonel John Connolly was acting in a manner not consistent with the spirit of his parole, and the frontiers being threatened with a barbarous war, in which there was reason to apprehend he was designed as an instrument, he was ordered into confinement in the gaol at York town, on the 13 day of October, [1777]:

"That on the 17th day of May, [1778,] the said John Connolly, with several others, confined in the said gaol, made a representation to Congress, setting forth, in the strongest colouring, the hardships and cruelties which they declared they were then suffering:

"That on the result of a strict enquiry, and after the gaol had been visited by Colonel Pickering, one of the members of the Board of War, it appeared that the suggestions contained in the said representation were scandalous and groundless; and the report of the Board of War was on the 23 day of May, ordered to be published:

"That since the evacuation of Philadelphia, the said John Connolly was remanded to the new gaol in that city, where, excepting the space of about fourteen days, when two persons were necessarily obliged to sleep in the same room, he has had a separate and commodious apartment of his own choice, the privilege of his own servant to attend him constantly, and to bring him whatever he may require, and the unrestrained use of a spacious yard to take the air in, during the day; that, in his letter of 12 October, 1778, the said J. Connolly declares, 'that the common rights of humanity are denied to him,' and paints his situation in such terms, as would tend to induce a belief that the most wanton cruelties and restraints are imposed upon him:

"That, in consequence of a request of J. Connolly to be heard in person by a committee of Congress, this committee have complied with his request, when he declared, in the presence of your committee, 'that excepting the restraint of his person under the limits above mentioned, which, however indulgent they might appear, he conceived unfavourable to his state of health, he experienced every other relief which could be extended to a person in confinement:'

"That Joshua Loring, Esq. British commissary of prisoners, in his letter to Mr. Beatty of the 1st September, 1778, threatens to retaliate on an American prisoner of war of equal rank with Lieutenant Colonel Connolly, for the sufferings which it is pretended that officer endures:" Whereupon,

Resolved, That Lieutenant Colonel John Connolly cannot of right claim to be considered and treated as a prisoner of war, but that he was, at the time he was apprehended, and still is, amenable to law martial as a spy and emissary from the British army:

That the repeated representations made by Lieutenant Colonel John Connolly, of the grievances he undergoes, are not founded on facts:

That General Washington be directed to transmit the foregoing resolutions and state of facts to the commander in chief of his Britannic majesty's forces in New York, and to inform the said officer, that if, under the pretext of retaliating for the pretended sufferings of a person who, by the law of nations, has no right to be considered as a prisoner of war, any American officer, entitled to be considered and treated as a prisoner of war, shall undergo any extraordinary restraints or sufferings, Congress are determined to retaliate on the person of an officer of the first rank in their possession, for every species of hardship or restraint on such account inflicted.[1]

Ordered, That Mr. [John] Mathews have leave of absence.

Congress resumed the consideration of the report on finance, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 13, 1778

Ordered, That Mr. [Edward] Telfair have leave of absence.

Ordered, That Mr. S[amuel] Adams be added to the committee appointed to superintend the publication relative to disputes, petitions and negotiations to and with

[1] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 19, I, folio 585.

the court of Great Britain, and that the committee be empowered to proceed in the publication as they judge proper.

Ordered, That the state of facts and resolutions relative to J. Connolly be published.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, that a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pensylvania, in favour of Dr. William Shippen, director general, for seventy-five thousand dollars, to enable him to discharge sundry debts due from his department previous to the 1 March last; the said director general to be accountable.

That a warrant for forty dollars issue on the treasurer in favour of John Norman, for the use of his rolling press for five weeks.

Resolved, That three members be added to the Board of Treasury:

The members chosen, Mr. [Richard] Hutson, Mr. [Oliver] Ellsworth, and Mr. [Francis Lightfoot] Lee.[1]

Ordered, That a warrant issue on the treasurer in favour of the Commercial Committee for nine thousand nine hundred and seventy-five and seven ninetieths dollars, to enable them to pay Gerard William Beekman & Co. two thousand two hundred and thirty-nine and 52/90 dollars, for freight, &c. of the ship *Mary*, chartered by the said Committee, and to pay a bill drawn on them by Messrs. James and Adam Hunter, of Virginia, in favour of Mr. Amos Strettle, dated 26 October, 1778, for seven thousand seven hundred and thirty-five and 45/90 dollars; the said Committee to be accountable.[2]

[1] This report, without the names of the members added, is in the *Papers of the Continental Congress*, No. 136, II, folio 619.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 683.

A report from the Board of War was read: Whereupon,

At a Board of War, *October 14, 1778.*

Present, Mr Duer, Colonel Pickering, Mr Peters.

The Board taking into consideration the impossibility of the Judge Advocate appointed for the Continental Troops stationed in South Carolina and Georgia, to perform the duties of the Office from the distant posts these Troops occupy, and the multiplicity of business occurring in the Department are of opinion that farther assistance is necessary, and therefore beg leave to report:

Resolved, That the commanding officer in the southern department be empowered, if he shall find it necessary, to appoint a deputy judge advocate for the troops in Georgia, to act so long as occasion requires, and to be entitled to the usual monthly pay and allowance.[1]

Congress resumed the consideration of the report on finance, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 14, 1778

A letter, from Lieutenant Donald M'Leod, a prisoner on parole, was read, praying, in behalf of himself and eleven others in similar circumstances, that two of them may be permitted to go to New York to negotiate for an exchange; or, if that cannot be done, to bring a supply for them all.

Ordered, That it be referred to the Board of War.

A letter of this day from Major General Arnold was read, enclosing a letter of the 9th, from R. Peters, member of the Board of War:[2]

Ordered, That the same be referred to the Board of War.

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 331.

[2] Arnold's letter is in the *Papers of the Continental Congress*, No. 162, folio 161.

A letter, of 1 and 13th, from Mr. S. Deane, was read, enclosing a memoire on the subject of currency, and establishing a marine or naval force for the defence of the American coast:

Ordered, To lie on the table for the perusal of the members.

A letter, of 9th, from Colonel Hartley, at Sunbury, to the council of Pensylvania, and one of the same date to the Board of War, were laid before Congress and read;[1] Whereupon,

Ordered, That a copy of the letter to the Board of War be sent to General Washington, and that he be directed to take such measures relative to the subject matter thereof, as he may judge necessary:

That the Board of War give orders to the proper officers, for furnishing the troops in the posts or the western frontiers under the command of Colonel Hartley, with provisions and other necessary supplies.

The Marine Committee, to whom was referred the letter from Major Silas Talbot, brought in a report; Whereupon,

Resolved, That Congress have a high sense of the bravery and good conduct of Major Silas Talbot, of the State of Rhode Island, and the officers and men under his command, in boarding and taking the armed schooner *Pigot* of eight twelve pounders and forty five men, in the east passage between Rhode Island and the main; and that he, as a reward of merit and for the encouragement of a spirit of enterprize, be presented with the commission of lieutenant colonel in the army of the United States.

Another report from the Marine Committee was read; Whereupon,

[1] These letters are in the *Papers of the Continental Congress*, No. 78, XI, folios 359 and 363.

Resolved, That, to encourage seamen to enter into the service of the United States, those who shall engage for a term not less than twelve months, be supplied with slops in such quantities and with such abatements, not exceeding fifty per cent. on the cost thereof, as the Marine Committee shall, from time to time, judge necessary.

Resolved, That pursers be appointed in the navy of the United States for all vessels not under sixteen guns, and that their pay be equal to that of surgeons in the navy.

Whereas by the act of Congress ordering the distribution of prize money amongst the petty warrant and petty officers in the navy of the United States no provision has been made for the carpenter's and gunner's mates:

Resolved, That the carpenter's and gunner's mates share equally in prize money with the other petty warrant and petty officers in the navy of the United States.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of John Gibson, Esq. for four thousand seven hundred and ten dollars, to enable him to discharge the residue of a warrant drawn on him by the Hon. John Hancock, Esq. President of Congress, in favour of the delegates of the State of Rhode Island, for ten thousand dollars, dated 5 July, 1777; for which the said J. Gibson is to be accountable.[1]

Ordered, That Mr. [Henry] Marchant have leave of absence.

Congress resumed the consideration of the report of finance, and some time being spent thereon,

Adjourned to 10 o'Clock on Monday.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II folio 697.

MONDAY, NOVEMBER 16, 1778

Resolved, That Mr. F[rancis] L[ightfoot] Lee be discharged from attending the Board of Treasury, and that he be appointed to attend the Board of War, as a member of this house, in the room of Mr. [John] Mathews.

A letter, of this day, from the Board of War, was read, enclosing a copy of a letter of 31 October, from Joshua Loring to Colonel Beatty, summoning all the officers who are at home on their paroles to repair immediately to New York:[1]

Ordered, That the same be referred to the Board of War, and that the Board give orders to suspend the publication of the summons till they report thereon.

A letter, from I. Melcher, ||barrack master,|| was read, with sundry papers enclosed:[2]

Ordered, That the same be referred to the Board of War.

~~A letter of 11 and one of 13 from Major General Lord Stirling, were read.~~

A letter, of 15, from Marquis of Britigny, was read.[3]

Congress resumed the consideration of the report of the committee on finance, when a motion was made,

That the 1st, 2, 3 and 4 propositions of the report be re-committed to a committee of the whole house: and

The yeas and nays being required by Mr. [William] Duer,

[1] This letter, prepared by Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 373.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 411.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 79. A translation is on folio 75.

New Hampshire,		
Mr. Whipple,	no	*
Massachusetts Bay,		
Mr. S. Adams,	no	div.
Gerry,	ay	
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Marchant,	no	
Connecticut,		
Mr. Sherman,	no	no
Ellsworth,	no	
New York.		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. Roberdeau,	no	ay
James Smith,	ay	
Clingan,	ay	
Maryland,		
Mr. Henry,	ay	*
Virginia,		
Mr. F. L. Lee,	ay	*
M. Smith,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	ay	
Williams,	ay	
South Carolina,		
Mr. Laurens,	no	ay
Drayton,	ay	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

Ordered, That to morrow, at one o'clock, Congress be resolved into a committee of the whole to take into consideration the propositions referred to them.

The chaplains having prepared and reported a recommendation to the several states for setting apart a day of thanksgiving, the same was read.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Robert Spencer, Esq. for six thousand three hundred and sixty-six dollars, in discharge of a bill drawn by W. Palfrey, Esq. pay master general, on the President of Congress, for that sum, in favour of the said Robert Spencer, dated 31 October, 1778, expressed to be for the

forces of the United States of America; the said pay master general to be accountable.[1]

Adjourned to 10 o'Clock to Morrow

TUESDAY, NOVEMBER 17, 1778

A letter and memorial from Mons. Bedaulx were read:

Ordered, That they be referred to the Board of War.

A letter, of 1, from Captain Seth Harding, at Norwich, was read:

Ordered, That it be referred to the Marine Committee.

A letter, of 2, from Major General Schuyler, was read, enclosing a letter from Mr. James Deane, at Fort Schuyler.[2]

Ordered, That a copy of Mr. Deane's letter be sent to General Washington, and that General Schuyler's letter, with the paper enclosed, be referred to the Board of War.

Whereas Congress have received intelligence that renders it necessary to abridge the indulgence heretofore granted to John Connolly:

Ordered, That he be confined to his room, and that no person be admitted to converse with him till the further order of Congress.

A letter, of 30 October, from Governor Greene, of Rhode Island, was read.

A letter, of 9 September, from Major Romand de Lisle, and one, of 5th September, from Colonel Elbert, in Georgia, were read:[3]

Ordered, That they be referred to the Board of War.

A letter, of 9th September, from J. Clay, pay master in Georgia, with his account enclosed, ||was read:||

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 699.

[2] Bedaulx's papers are in the *Papers of the Continental Congress*, No. 78, III, folios 209 and 221; Schuyler's letter, in No. 153, III, folio 386; Deane's, on folio 390.

[3] The letter of Greene is in the *Papers of the Continental Congress*, No. 64, folio 418; that of Delisle, in No. 78, XIX, folio 261; and that of Elbert, in VIII, folio 291.

Ordered, That the same be referred to the Board of Treasury.

A report from the Board of War was read; Whereupon,

At a Board of War, *November 13th, 1778.*

Present: Mr Mathews, Mr Peters, Mr Sherman.

The Board taking into consideration the report of a committee of the Assembly of South Carolina relative to the military establishments of that State, are of opinion,

Resolved, That the troops raised in the State of South Carolina, are, and ought to be considered as being in the same situation, and subject to the same regulations, with the other forces of the United States, except in the cases where contrary stipulations were made at the time of their being received into the service of the United States, on the continental establishment.[1]

The committee to whom were referred the letter from Mr. President Lowndes, of South Carolina, and the letters from Major General R. Howe, brought in a report;

That upon examining the Resolve of Congress of the 16th September, 1776 referred to by Mr Lowndes, they find it stands thus: "That the appointment of all Officers and filling up vacancies (except General Officers) be left to the Governments of the several States, &c." Whether the Resolve means only Regimental Officers, or means to include the Staff also, must be referred to the determination of Congress. But thus far your Committee will beg leave to give their opinion, that as the Deputy Adjutant General is appointed for both the States of South Carolina and Georgia, if the appointment be vested in the Government, there will arise this inconvenience, which of the governments are entitled to the appointment, or whether it must be with the concurrence of the two. This doubt may probably be productive of Dispute between the two States. If Congress should be of opinion, that the Resolve relates only to Regimental Officers, then your Committee beg leave to state the following facts: That upon Inquiry they find Captain Hyrne was appointed a Captain in the 1st South Carolina Regiment in June, 1775; and that Mr Grimkee was

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 371.

appointed a Lieutenant in the 3rd Carolina Regiment, some time in the year 1776. They are both looked upon in their respective Corps as very good Officers, Therefore must refer to Congress which of these Gentleman, they shall be of opinion have the best claim to the appointment of Deputy Adjutant General for the States of South Carolina and Georgia.

Considering that part of Major General Howe's letter recommending the appointment of Col. Stephen Drayton as Deputy Quarter Master General in the Room of Col. Huger resigned, the same doubt arises in the minds of your Committee, as did respecting the appointment of the Deputy Adjutant General therefore the same determination on the first will be conclusive as to the latter. If Congress should proceed to the appointment of a Deputy Quarter Master General for South Carolina, your Committee beg leave to recommend Colonel Drayton as a gentleman extremely well qualified for that office.[1]

Whereupon, *Resolved*, That the president of the State of South Carolina be informed, that the resolution of Congress of the 16 September, 1776, relative to appointments, extends only to the appointment of regimental officers, and not to officers on the general staff.

Mr. Ed. Hyrne and John Grimké were nominated by the delegates of South Carolina for adjutants general, and Stephen Drayton by the same for quarter master general.

Congress then proceeded to the election of a deputy adjutant general and deputy quarter master general in the southern department, and, the ballots being taken,

Captain Edmund Hyrne was elected deputy adjutant general in the southern department.

Stephen Drayton was elected deputy quarter master general in the southern department.

Congress resumed the consideration of the recommendation to the states for setting apart a day of thanksgiving, which being amended, is as follows:

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, III, folio 203. It is endorsed: "Rec'd. 13 November."

It having pleased Almighty God, through the course of the present year, to bestow great and manifold mercies on the people of these United States; and it being the indispensable duty of all men gratefully to acknowledge their obligations to Him for benefits received:

Resolved, That it be, and hereby is recommended to the legislative or executive authority of each of the said states, to appoint Wednesday, the 30th day of December next, to be observed as a day of public thanksgiving and praise, that all the people may, with united hearts, on that day, express a just sense of his unmerited favours; particularly in that it hath pleased him, by his overruling providence, to support us in a just and necessary war, for the defence of our rights and liberties, by affording us seasonable supplies for our armies, by disposing the heart of a powerful monarch to enter into alliance with us, and aid our cause; by defeating the councils and evil designs of our enemies, and giving us victory over their troops; and, by the continuance of that union among these states, which, by his blessing, will be their future strength and glory.

And it is further recommended, that, together with devout thanksgiving, may be joined a penitent confession of our sins, and humble supplication for pardon, through the merits of our Saviour; so that, under the smiles of Heaven, our public councils may be directed, our arms by land and sea prospered, our liberty and independence secured, our schools and seminaries of learning flourish, our trade be revived, our husbandry and manufactures encreased, and the hearts of all impressed with undissembled piety, with benevolence and zeal for the public good.

And it is also recommended, that recreations unsuitable to the purpose of such a solemnity may be omitted on that day.

Done in Congress, this 17th day of November, 1778, and in the third year of the independence of the United States of America.[1]

According to order, Congress was resolved into a committee of the whole, to consider the four first propositions of the report of the committee on finance, and, after some time, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the propositions referred to them,

[1] This proclamation, in the writing of Samuel Adams, is in the *Papers of the Continental Congress*, No. 24, folio 445. It is endorsed as having passed November 3.

and have made some progress, but not having come to a conclusion desire leave to sit again:

Resolved, That to morrow at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them:

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 18, 1778

Two letters from honorable Sieur Gérard || the minister plenipotentiary of France,|| were read, requesting a passage on board one of the continental frigates for the Chevalier de Raymondis, captain of the *Cæsar;* and that a vessel, on board which are a number of invalids, may be taken under convoy of the frigates, until she is safe at sea:

Ordered, That they be referred to the Marine Committee, and that the Committee be directed to comply with the request therein contained.

A letter, of 14, from General Washington, was read, enclosing a letter of 10, from General Sir Henry Clinton, relative to an exchange of the convention troops:

Ordered, That it be referred to the Board of War.

A letter, of 9th, from Governor P. Henry, of Virginia, was read.

A memorial from Marquis of Britigny, was read:[1]

Ordered, That the same, together with the report of the committee on a former memorial from the Marquis de Britigny be referred to a committee of five:

The members chosen, Mr. [William Henry] Drayton, Mr. [John] Williams, Mr. [William] Ellery, Mr. M[eriwether] Smith, and Mr. [John] Henry.

[1] The letter of Henry is in the *Papers of the Continental Congress*, No. 71, I, folio 185; that of Britigny, in No. 78, III, folio 87.

Ordered, That the memorial from Baron de Randerode Thulier, read and referred on 21 October, be referred to the foregoing committee.

An intercepted letter from Abraham Chilborn, of Haverford West, directed to Jas. Seagrove, merchant in Philadelphia, was laid before Congress; and read:

Ordered, That it be transmitted to the executive council of Pensylvania.

The credentials of the delegates for the State of Maryland being laid before Congress, were read, and are as follows:

MARYLAND,

IN THE HOUSE OF DELEGATES, *November 13th, 1778.*

The Gentlemen appointed to examine the Ballot Boxes on the Election for Delegates to Congress, returned from the Conference Room and reported, that George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel of St. Thomas Jenifer, Esquires, had a Majority of Votes; Whereupon it is declared in the House of Delegates, that the Honourable George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel of St. Thomas Jenifer, Esqrs. are duly elected Delegates to Congress.

True Copy from the Proceedings. By Order,

J. DUCKETT, *C. H. D.*

A similar copy from the proceedings of the senate signed, by order,

R. RIDGELY, *Clerk of the Senate.*[1]

A letter, of 7th, and one of 11 August, from Hon. A. Lee, Esq. at Paris, directed to the Committee of Correspondence at Congress, were read, together with sundry papers enclosed and referred to therein:

Ordered, That they be lodged with the secretary, for the perusal of the members.

An invoice of five bales of merchandise, shipt on board the schooner *Tabby*, Captain John Hoadges, for Marblehead, and consigned to Hon. Elbridge Gerry, Esq. for

[1] The originals are in the *Papers of the Continental Congress*, Maryland, *Credentials of Delegates.*

account of Hon. Arthur Lee, by Joseph Gardoqui & Sons, at Bilboa, was laid before Congress:

Ordered, That it be referred to the Committee of Commerce.

According to order, Congress was resolved into a committee of the whole, and after some time, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their further consideration the propositions referred to them, and have made some progress, but not having come to a conclusion, desire leave to sit again:

Resolved, That to morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider further the propositions referred to them.

A letter, of 12, from Mons. du Plessis, was read:[1]

Ordered, to lie on the table.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 19, 1778

Mr. [William] Paca, Mr. [William] Carmichael, and Mr. [John] Henry, three of the delegates of Maryland, attended, and took their seats.

A letter, of 2, from Major General Heath was read, enclosing a letter of 1, from William de Passern, major of regiment of Hesse Hanau, and one of 31 October, from Brigadier General James Hamilton, both directed to Major General Heath. Also,

A letter, of 12, from General Washington.

One of this day from Rawleigh Downman and George Hancock, of the Georgia troops, and

A memorial from Colonel Matthews, of the 9th Virginia regiment, respecting specie procured for his officers, prisoners, || were read: ||

[1] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 221.

Ordered, That they be referred to the Board of War.

A letter, of 13, from Mr. President Rodney, of Delaware, was read.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Thomas Baily, for one thousand four hundred and eighty-five dollars, in payment of a draught of Major General Robert Howe, dated Charleston, South Carolina, 24 August, 1778, in favour of and endorsed by Captain Rawleigh Downman, for that sum; it being agreeable to a letter of advice of the same date from Major General Howe, who is to be accountable:

That, upon the application of the Marine Committee, a warrant issue in their favour, on the treasurer, for ten thousand dollars, for the use of the navy board of the middle district; the said Marine Committee to be accountable.

The Committee on the Treasury having, agreeable to an order of Congress, considered a petition of William Dodd and others, dated November 9, 1778, report,

"That the allowance made by Congress to the petitioners for their services, as expresses, agreeable to a report of the commissioners of claims, appearing to be fully sufficient, the prayer of the petition for an augmentation of pay, ought not to be granted:"

Resolved, That Congress agree to the said report.

The Committee having considered the petition of Lieutenant Colonel Crenis, referred to them:

Ordered, That a warrant issue on the treasurer in favour of Lieutenant Colonel Crenis, for six hundred dollars, in

[1] Heath's letter is in the *Papers of the Continental Congress*, No. 157, folio 227; that of Washington, in No. 152, VI, folio 479; that of Downman and Hancock, in No. 78, VII, folio 225; that of Matthews, in No. 41, VI, folio 75; and that of Rodney, in No. 70, folio 683.

full for his services whilst employed in the army of the United States.[1]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Benjamin Armitage, for superintending the making of paper for loan office certificates, from 22 September to the 12 November, 1778, two hundred and sixty dollars:

That there is due to John Bates, for three fire-hoods for the treasury and commissioners' office, sixty two dollars:

That there is due to Michael Hay, for riding express to Morris town in March, 1777, twenty dollars:[2]

Ordered, That the said accounts be paid.

Mr. [James] Duane, a delegate from New York, attended, and produced the credentials of the delegates of that State, which were read as follows:

STATE OF NEW YORK,
IN ASSEMBLY, *Thursday*, 9 O'CLOCK A. M.,
October 15, 1778.

A message from the honorable the senate, by Mr. Parks, and in the words following, to wit:

STATE OF NEW YORK,
IN SENATE, *October 15, 1778.*

Resolved, That if the hon. house of assembly concur herein, the number of delegates from this state in general Congress be five: that three of them at least statedly attend, and that any two of the three attending, be authorized to represent this state.

Ordered, That Mr. Parks carry a copy of the foregoing resolution to the honorable house of assembly.

A true copy from the minutes:

ROBERT BENSON, *Clerk.*

[1] This report, dated November 17, is in the *Papers of the Continental Congress*, No. 136, II, folio 701.

[2] This report, dated November 18, is in the *Papers of the Continental Congress*, No. 136, II, folio 705.

Resolved, That this house do concur with the hon. senate in their resolution of this day, on the subject of electing delegates to the general Congress.

Ordered, That Mr. Vrooman and Mr. J. Clarke carry a copy of the above resolution of this house to the honorable senate.

FRIDAY, NINE O'CLOCK, A. M..
October 16, 1778.

Resolved, That the hon. James Duane, Gouverneur Morris, Philip Schuyler, William Floyd, and Francis Lewis, Esqrs. be, and they are hereby declared duly nominated and appointed delegates to represent this state in the general Congress of the United States of America.

By order of the house:

WALTER LIVINGSTON, *Speaker.*

A similar resolution from the senate was read.

Signed by order of the senate:

PIERRE VAN CORTLANDT, *President.*[1]

The Board of War, to whom was referred the letter from Colonel Melcher, barrack master, brought in a report, which was read: on the question put,

Resolved, That the first part be re-committed.

The second part being read, the previous question was moved thereon, and on the question put, it was carried, that the question be not now put.

A report from the Board of War, on the letter from General Washington, of the 14th, and the copy of a letter from Sir Henry Clinton ||of the 10th,|| on the subject of the convention prisoners, being read:

Resolved, That General Washington be empowered and directed to appoint commissioners, and fix the time and place of their meeting, to confer with the commissioners appointed or to be appointed by Sir Henry Clinton, or other the commander in chief of the British forces in America, on behalf of his Britannic majesty, on the exchange proposed by Sir Henry Clinton in his letter to

[1]The originals are in the *Papers of the Continental Congress*, New York, *Credentials of Delegates.*

General Washington of the 10th instant, of the officers in the service of these states, now prisoners in the actual possession of the enemy, or out on parole, for the officers and men of the troops of the convention, according to their ranks and number; officers of equal rank to be first exchanged; after which, if it shall be necessary, an equivalent of inferior for superior officers, and, if agreeably to such equivalent, all the officers of the enemy shall be exchanged, and a balance of officers remain in their hands, then an equivalent of privates to be given in exchange for such officers, shall be settled according to the customary proportion, or such proportion as may be agreed on. The commissioners so to be appointed, by virtue hereof, to make report of their proceedings to General Washington, who is hereby fully authorized and empowered finally to ratify the terms of the said exchange on behalf of these United States.

Resolved, That General Washington be directed to call for Lieutenant General Burgoyne and other officers of the convention troops now prisoners to these United States on parole, whenever the interest of these United States shall, in his opinion, render it necessary,

Mr. [Thomas] M'Kean laid before Congress, in writing, an information of personal abuse he last night received from Brigadier General Thompson, on account of his conduct in Congress, and of abusive, disrespectful, and contemptuous expressions uttered by the said Brigadier Thompson against Congress;[1] Whereupon,

Ordered, That Brigadier Thompson attend at the bar of this house to morrow morning at eleven o'clock, to answer the charge brought against him by the Hon. Thomas M'Kean, Esq. a member of this house; and that the said

[1] This information is in the *Papers of the Continental Congress*, No. 159, folio 292.

Brigadier General Thompson be furnished with a copy of the charge against him.

A letter, of the 11, from General Washington, was read:[1]

Ordered, That it be referred to the committee on the letters from the Marquis de la Fayette.

A letter, of 10, from Colonel R. H. Harrison, was read, expressing his obligations to Congress for the honor done him by appointing him a member of the Board of War, and informing, that "the difficulties which operated against his accepting a seat in the Board of War still prevail in his mind, and compel him again to decline the appointment."[2]

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That the commissioners of the continental loan offices of the United States be respectively directed to receive for loan office certificates, such bills of credit only as have been or may be emitted by Congress; any resolution to the contrary notwithstanding.[3]

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 20, 1778

Resolved, That Mr. [Meriwether] Smith be appointed a member of the Marine Committee for the State of Virginia.

A letter, of 5, from General Washington to Major Washington, of Colonel Moylan's dragoons, was laid before Congress, ‖ and read;‖[4] Whereupon,

Resolved, That Major Washington be promoted to the rank of Lieutenant Colonel in the room of Lieutenant

[1] This letter is in the *Papers of the Continental Congress*, No. 152, II, folio 451.
[2] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 367.
[3] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 709.
[4] This letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 439.

Colonel Bird, of Colonel Baylor's dragoons, resigned; and that he proceed to Bristol and take the command of Colonel Baylor's regiment.

A letter, of this day, from Henry B[eekman] Livingston, Colonel of 4 battalion of New York forces, was read, requesting leave to resign his commission:[1]

Ordered, That it be referred to the Board of War.

A letter, of 19th, from S. Deane, Esq. was read, enclosing a letter of 22 July, to him, from J. Williams, at Passy, near Paris.

According to order, Brigadier General Thompson attending, was called in, and the information and charge exhibited against him being read, and being called upon for what he had to say in answer thereto, Brigadier Thompson denied the charge: ~~and offered to adduce evidence to prove that no such expressions as contained in the charge were uttered by him.~~

Ordered, That Brigadier Thompson withdraw, and accordingly he withdrew.

Resolved, That Congress meet on Monday next, at six o'clock, P. M. for the hearing of witnesses respecting the charge against Brigadier General Thompson:

That Brigadier General Thompson be directed to attend at that time with his witnesses:

That the secretary issue a summons to William Augustus Atlee, Esq. John Evans, Esq. Colonel Joseph Deane, Captain John Purviance, Mr. Thomas Bradford and Paul Fooks, Esq. respectively, to attend this house on Monday next, at six o'clock, P. M. to give evidence in the case above mentioned.

A letter, of 7th, and one of 9th, from Major General Lincoln, at Williamsburgh, were read:[2]

[1] The letter of Livingston is in the *Papers of the Continental Congress*, No. 78, XIV, folio 255.

[2] These letters are in the *Papers of the Continental Congress*, No. 158, folios 167 and 171.

Ordered, That the letter of the 7th, and the last paragraph of that of the 9th, be referred to the Board of Treasury.

According to order, Congress was resolved into a committee of the whole, to consider farther the propositions referred to them, and after some time spent therein the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again:

Resolved, That to morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

A memorial from the hon. Sieur Gérard, minister plenipotentiary from his most Christain Majesty, was read, respecting the publication of the treaties of commerce and of alliance.[1]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 21, 1778

A letter, of 14, from Colonel Hartley, at Fort Jenkins, on the northeast branch of Susquehanna;

A letter, of 16, from General Washington, was read, enclosing a copy of a letter of 13, from Brigadier E. Hand, respecting an attack upon Colonel Alden's regiment at Cherry Valley;

Another letter of 16, from General Washington, was read, enclosing a memorial from Brigadier du Portail, on a general system of fortification for the United States;[2]

[1] In a report of this day the Board of War recommended that "Mr. Nathaniel Magruder be appointed an ensign in Colonel Rawlings's Regiment." The report is in the *Papers of the Continental Congress*, No. 147, II, folio 379.

[2] The letter of Hartley is in the *Papers of the Continental Congress*, No. 78, XI, folio 375; those of Washington, in No. 152, VI, folios 503 and 507; that of Hand, on folio 511.

Ordered, That the letter be referred to the Board of War;

That the memorial enclosed, be referred to the Marine Committee.

Resolved, That Mr. [Daniel] Roberdeau be appointed a member of the Marine Committee for the State of Pensylvania.

According to order, Congress was resolved into a committee of the whole, to consider farther the propositions referred to them, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the propositions referred to them, and have made some progress, but not having come to a conclusion, desire leave to sit again:

Resolved, That on Monday next, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 23, 1778

A memorial from Brigadier W[illiam] Thompson was read;

Whereupon, a motion was made, and the same being debated and amended the previous question was moved and the yeas and nays required by Mr. [William] Ellery,

New Hampshire,			*Rhode Island*,		
Mr. Whipple,	no	*	Mr. Ellery,	ay	div.
Massachusetts Bay,			Collins,	no	
Mr. S. Adams,	no	no	*Connecticut*,		
Gerry,	no		Mr. Sherman,	no	div.
Lovell,	no		Ellsworth,	ay	
Holten,	no				

New York,			*Virginia*,		
Mr. Lewis,	ay	*	Mr. F. L. Lee,	no	*
New Jersey,			M. Smith,	no	
Mr. Scudder,	no	no	*North Carolina*,		
Pennsylvania,			Mr. Penn,	ay	
Mr. Roberdeau,	no		Harnett,	ay	ay
Clingan,	no	no	Williams,	no	
Delaware,			*South Carolina*,		
Mr. M'Kean,	no	no	Mr. Laurens,	no	
Maryland,			Drayton,	ay	no
Mr. Paca,	no		Hutson,	no	
Carmichael,	ay	ay			
Henry,	ay				

‖So it passed in the negative.‖

The main question was then read as follows:

A memorial from Brigadier William Thompson having been read, and it appearing that the said memorial contains opprobrious language against, and scandalous reflections upon, the character of a member present in Congress,

Resolved, That the said Brigadier W[illiam] Thompson has, by offering the said memorial, been guilty of an insult to the honor and dignity of this house, and of a breach of privilege:

The yeas and nays being required by Mr. [William] Paca,

New Hampshire,			*Connecticut*,		
Mr. Whipple,	ay	*	Mr. Sherman,	ay	
Massachusetts Bay,			Ellsworth,	no	div.
Mr. S. Adams,	ay		*New York*,		
Gerry,	ay		Mr. Lewis,	no	*
Lovell,	ay	ay	*New Jersey*,		
Holten,	ay		Mr. Scudder,	ay	ay
Rhode Island,			*Pennsylvania*,		
Mr. Ellery,	no		Mr. Roberdeau,	ay	
Collins,	ay	div.	Clingan,	ay	ay

Delaware,			*North Carolina*,		
Mr. M'Kean,	ay	ay	Mr. Penn,	no	
Maryland,			Harnett,	no	no
Mr. Paca,	ay		Williams,	ay	
Carmichael,	no	no	*South Carolina*,		
Henry,	no		Mr. Laurens,	ay	
Virginia,			Drayton,	ay	ay
Mr. F. L. Lee,	ay	*	Hutson,	ay	
M. Smith,	ay				

So it was resolved in the affirmative.

Adjourned to 6 o'Clock.

SIX O'CLOCK, P. M.

A report from the Board of War was read; Whereupon,

Resolved, That the sum of ten thousand dollars be advanced to Lieutenant Colonel Temple, of the First regiment of light dragoons, to discharge the arrears of pay due to the said regiment, and to re-inlist such of the men whose times are about expiring:

That the men so re-inlisted in the said regiment, on being furnished with the usual State bounty by the government of Virginia, shall be considered as a part of the quota of that State.[1]

Resolved, That General Washington be empowered and directed to take such measures with respect to the officers of the convention of Saratoga, who are subjects of Major General Heath's letter of the 2d instant, and of Brigadier General Hamilton's, of the 31 October, enclosed in General Washington's of 12 inst. as to him shall seem proper.

Another report from the Board of War was read; Whereupon,

[1] This report, dated November 20, is in the *Papers of the Continental Congress*, No. 147, II, folio 381. The members present: Sherman, Peters and F. L. Lee.

Ordered, That the sum of ninety eight half johannes be paid by the treasurer to Colonel George Matthews of the 9th Virginia regiment; he to be accountable; it being moneys advanced by him to the officers of the said regiment, when prisoners with the enemy: That the commissary general of prisoners be informed hereof, and that he be directed to certify to the Treasury Board the state of the officers' accounts, and deduct so much from the said sum as may appear to be due to them.[1]

According to order, Brigadier Thompson, and the witnesses summoned to give evidence on the charge against him || except Mr. Atlee || attending, were called in and examined; after which Brigadier General Thompson, ~~having spoken in his defence and apologized for~~ being heard, withdrew:[2]

Ordered, That the consideration of this matter be postponed.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 24, 1778

A letter, of 13, from General Washington, was read, relative to the inspectorship under Baron Steuben.[3]

Ordered, That it be referred to the Board of War.

A letter, of 23, from B. P. Smith, Thomas Eddison, and George Bond, clerks in the secretary's office; also, one of the 16, from James Stevenson, Samuel Downe, and Moses Emerson, commissioners of accounts, were read:

[1] This report, dated November 21, and prepared by Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 383. The members present: Sherman, Lee and Peters.

[2] Thomson's notes of this testimony is in the *Papers of the Continental Congress*, No. 159, folio 296.

[3] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 485.

Ordered, That they be referred to the Board of Treasury.

A report from the Committee of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Lieutenant Colonel Benjamin Temple, for three hundred and seventy seven dollars to enable him to discharge the ballances due on sundry purchases, and for making up cloathing in pursuance of General Washington's orders of the 30 December, 1777; the said Lieutenant Colonel Temple to be accountable.[1]

Mr. [Nicholas] Vandyke, a delegate from the State of Delaware, attended and took his seat.

Congress took into consideration the report of the committee of arrangement; and thereupon came to the following resolutions:

Whereas the settlement of rank in the army of the United States has been attended with much difficulty and delay, inasmuch as no general principles have been adopted and uniformly pursued:

Resolved therefore, That, upon any dispute of rank, the following rules shall be hereafter observed:

1. For determining rank in the continental line, between all colonels and inferior officers of different states, between like officers of infantry, and those of horse and artillery, appointed under the authority of Congress, by virtue of a resolve of the 16 September, 1776, or by virtue of any subsequent resolution prior to the 1 January, 1777; all such officers shall be deemed to have their commissions dated on the day last mentioned, and their relative rank with respect to each other, in the continental line of the army, shall be determined by their rank prior to the 16 day of September, 1776. This rule

[1]This report, dated November 21, is in the *Papers of the Continental Congress*, No. 136, II, folio 711. It also contained the grants to Mifflin and others. Passed November 28, *post*.

shall not be considered to affect the rank of the line within any State or within the corps of artillery, horse, or among the sixteen additional battalions, where the rank hath been settled; but shall be the rule to determine the relative rank within the particular line of artillery, so far as the rank remains unsettled.

2. In the second instance preference shall be given to commissions in the new levies and flying camp.

3. In determining rank between continental officers, in other respects equal, proper respect shall be had to their commissions in the militia, where they have served in the continental army for the space of one month.

4. All colonels and inferior officers appointed to vacancies since the 5th day of January, 1777, shall take rank from the right of succession to such vacancies.

5. In all cases where the rank between two officers of different states is equal, or between an officer of state troops and one of cavalry, artillery, or of the additional battalions, the precedence is to be determined by lot.

~~6. That officers in the army shall rise regimentally to the rank of captain, then in the line of the State to the rank of colonel.~~

6. All officers who have been prisoners with the enemy, being appointed by their State, and again enter into the service, shall do it agreeably to the following rule, that is to say: All of the rank of captain, and under, shall enter into the same regiment to which they formerly belonged; and if the regiment is dissolved or otherwise reduced, they shall be entitled to the first vacancy in any regiment of the State in their proper rank, after the officers belonging to such regiment have been provided for.

7. The rules of rank above laid down between officers of different states, are to govern between officers of the same State, except in cases where the State may have laid down a different rule or already settled their rank.

8. A resignation shall preclude any claim of benefit from former rank under a new appointment.

~~And whereas by the rules which have been adopted for promotions and the adjusting of rank in the continental army, as well as by the reduction of several of the battalions, it hath happened that many valuable officers are precluded from rising to that distinction which their abilities and future experience may merit, and also that the public hath been necessarily deprived of the services of many good officers who may incline to continue in the army of the United States, for remedy thereof,~~

~~Resolved, That it be recommended to the several states to make provision that officers in the line may be enabled to exchange their commissions with other officers, subjects of the State respectively, of equal rank under such restrictions and limitations as to the several states shall seem proper.~~[1]

Whereas from the alteration of the establishment and other causes, many valuable officers have [been] and may be omitted in the new arrangement, as being supernumerary, who, from their conduct and services, are entitled to the honourable notice of Congress, and to a suitable provision until they can return to civil life with advantage:

Resolved therefore, That Congress gratefully acknowledge the faithful services of such officers, and that all supernumerary officers be entitled to one year's pay of their commissions respectively, to be computed from the time such officers had leave of absence from the Commander in Chief on this account. And Congress do earnestly recommend to the several states to which such

[1] In the margin is written: "This to be inserted in the 1st page following, at A." A transcript of this paragraph is in the *Papers of the Continental Congress*, No. 21, I, folio 175.

officers belong, to make such farther provision for them as their respective circumstances and merits may entitle them to.

Resolved, That all officers who have been in the service, and, having been prisoners with the enemy, now are or hereafter may be exchanged or otherwise released, shall, if appointed by the authority of the State, be entitled, in case of vacancy, to enter into the service of their respective State in such rank as they would have had if they had never been captured; provided always, that every such officer do, within one month after his exchange or release, signify to the authority of the State to which he belongs, his release and his desire to enter again into the military service:

That every officer so released, and giving notice as aforesaid, shall, until entry into actual service, be allowed half pay of the commission to which by the foregoing resolve he stands entitled; provided always, that, in case of his receiving any civil office of profit, such half pay shall thenceforth cease.

Resolved, That in case of future vacancies of and under the rank of Colonels, no officer shall be deemed entitled to succeed to such vacancy as of course; but it shall, with all convenient speed, be certified to the authority of the State in whose troops such vacancy has happened, by the Commanding officer of the State then present, and no promotion or succession shall take place upon any vacancy without the authority of a State appointment.

Rejected 24th Nov.

Whereas it will be for the benefit of the service that some rule for promotions be established: therefore,

Resolved, That it be recommended to the several states to provide, that in all future promotions officers rise regimentally to the rank of captain, and thence in the line of the state to the rank of colonel, except in cases where

a preference may be given on account of distinguished merit.[1]

Resolved, That no brevets be for the future granted, except to officers in the line or in case of very eminent services.

Resolved, That four Brigadier Generals be appointed, viz. one for Massachusetts Bay; one for Pennsylvania; one for Maryland, and one for North Carolina.[2]

Resolved, That a brigadier general, out of the brigadiers of the infantry, be appointed by General Washington to command the cavalry.

Resolved, That pay masters, not being of the rank of [colonel] captains, quarter masters and adjutants, be entitled to receive 20 dollars per month subsistence money, in lieu of rations.

Resolved, That all officers and persons employed on the staff shall receive for subsistence money, one-third of a dollar for each extra ration heretofore allowed them.

Resolved, That Lieutenant Colonel Stevens, of the artillery, now holding that rank by brevet, be appointed a lieutenant colonel of artillery; and that his commission bear date from that of his brevet; and that he be entitled to take command on the first vacancy that may fall in the artillery.

Your Committee farther beg leave to report that they have arranged the troop of nine states, viz: of New Hampshire, Massachusetts Bay, Connecticut, Rhode Island, New York, New Jersey (except the field officers), Pennsylvania, Virginia, and North Carolina, which with a little revisal will soon be lodged with the Board of War.

That Maryland and the Delaware state, the artillery, the 16 additional battalions and cavalry were not sufficiently prepared with their returns, the rank of the former being yet unsettled, and the two latter

[1] The paragraph after 8 was to have been inserted at this point, but the mark of insertion was struck out.

[2] This paragraph was postponed.

being so detached, that the Committee could not procure the necessary materials, but have taken the necessary steps for that purpose.

P. S. The chairman of the above Committee begs leave to suggest the propriety of furnishing to General Officers &c. the resolves of Congress already published, the army in general being exceedingly ignorant of their proceedings and many difficulties accrue therefrom.

Resolved, That adjutants, pay masters and quarter masters, taken from the line, be again admitted into the rank they would have been entitled to, had they continued in the line: and such adjutants, pay masters, and quarter masters, not taken from the line, may be admissible into the line, in such subaltern ranks as, by a signed certificate from the field officers of their respective corps, they shall be deemed competent to.

Your Committee have now only to add that it is their duty to represent to Congress that the number of foreign officers introduced into the service, and often into high rank has given great and general uneasiness throughout the army, so as to become a matter well worthy the attention of Congress and that the complaints of the clothing department both in regard to quantity and quality still subsist. That the enlistment of prisoners and deserters is represented to your Committee as highly impolitic and injurious to the service, and that the most effectual measures ought to be taken to prevent such enlistments in future.

The Cases of Colonel Hazen's Regiment and of the Surgeons of the Hospital appear on the face of their applications delivered herewith. Your Committee beg leave to submit them to the wisdom of Congress as they do every other part of their proceedings.[1]

Resolved, That the regiment commanded by Colonel Moses Hazen be continued on its original establishment; and that no new appointments or promotions of officers be made therein until the farther order of Congress.

[1] A transcript of this report is in the *Papers of the Continental Congress*, No. 21, folio 161. It was prepared in 1834, by William A. Weaver, from the original, then in the *Washington Papers*, No. 101. This volume is now in the Department of War. The report is endorsed: "Report Committee of Arrangement. Part recommitted, 12 October, 1778. Returned by Mr. Sherman 13th. Passed November 24, except the appointing four brigadiers, postponed."

Ordered, That the committee of arrangement transmit to the Board of War lists of the officers of the army, arranged by them in the several regiments and corps, specifying the time of their respective appointments or promotions to their present rank, to be registered in the war office; and that commissions be issued to the said officers accordingly: and the secretary of the Board of War is hereby ordered to transmit copies of the said arrangement to the Commander in Chief of the army.

Resolved, That the Board of War be authorized to finish the arrangement of the army agreeably to the resolutions of Congress, and that the committee of arrangement furnish the Board with such papers and documents as they are possessed of respecting the same; and that all disputes about rank in the army be referred to the Commander in Chief, to be determined according to the rules of the army.

Ordered, That the Board of War forthwith lay before Congress a list of the continental brigadiers and battalions, together with the states to which they respectively belong.[1]

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 25, 1778

The credentials for the delegates of Pennsylvania were read as follows:

In General Assembly of Pennsylvania, Friday, November 20, 1778.

The Order of the Day being Called for and Read, the House Proceeded by Ballot to the Election of Delegates in Congress for the ensuing Year; When the following Gentlemen were Chosen, Viz. Daniel Roberdeau, William Clingan, Edward Biddle, John Arm-

[1] Transcripts of these paragraphs are in the *Papers of the Continental Congress*, No. 21, I, folios 173 and 175.

strong, William Shippen the elder, Samuel Atlee, and James Searle, Esqrs.

Extract from the Minutes,

JOHN MORRIS, *Clerk of General Assembly.*

In consequence of the above appointment, Mr. Daniel Roberdeau, Mr. [William] Clingan, and Mr. [James] Searle, attended, and took their seats:

Resolved, That Congress meet this afternoon at six o'clock.

Ordered, That William Augustus Atlee, Esq, be summoned to attend Congress at that time, to give evidence on the charge against Brigadier W. Thompson; and that Brigadier Thompson be notified to attend.

A letter, of 13th, from Charles Frederick Bedaulx, and

A letter, of 2, from Major General Sullivan, were read. Also,

A letter, of 18, from General Washington, with sundry papers enclosed, relative to Count Holkauski, [Kolhowsky] and a letter of 9th, from Major General De Kalb, respecting Major Rogers, were read:[1]

Ordered, That they be referred to the Board of War.

A letter, of 22, from Mr. President Rodney, was read.

A letter, of 23 October, from Thomas Chittenden, was read.[2]

Ordered, To lie on the table.

Mr. [John] Witherspoon, a delegate for the State of New Jersey, attended, and laid before Congress powers to the delegates of that State to ratify the articles of confederation, which were read, as follows:

"(L. S.) By his Excellency, William Livingston, Esq. governor, captain general, and commander in chief, in and over the State of New

[1] The letter of Bedaulx is in the *Papers of the Continental Congress*, No. 78, III, folio 217. With it is a letter of Pulaski, of the same date, on folio 213; that of Sullivan, in No. 160, folio 211; that of Washington, in No. 152, VI, folio 515; and that of DeKalb, in No. 164, folio 326.

[2] Rodney's letter is in the *Papers of the Continental Congress*, No. 70, folio 687; that of Chittenden, in No. 78, V, folio 245.

Jersey and territories thereunto belonging, chancellor and ordinary in the same.

"To all to whom these presents shall come, greeting: know ye, that among the records in the secretary's office, in the State of New Jersey, there is a certain instrument of writing purporting to be an act of the council and general assembly of the said State, which said act is contained in the words and tenor here following, to wit:

An act to authorize and empower the delegates of the State of New Jersey in Congress, to subscribe and ratify the articles of confederation and perpetual union between the several states.

Whereas, articles of confederation and perpetual union, between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pensylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, signed in the Congress of the said states, by the Hon. Henry Laurens, Esq. their president, have been laid before the legislature of this State, to be ratified by the same if approved: and, whereas, notwithstanding the terms of the said articles of confederation and perpetual union are considered, as in divers respects, unequal and disadvantageous to this State, and the objections to several of the said articles lately stated and sent to the general Congress aforesaid, on the part of this State, are still viewed as just and reasonable, and sundry of them as of the most essential moment to the welfare and happiness of the good people thereof; yet, under the full conviction of the present necessity of acceding to the confederacy proposed, and that every separate and detached state interest ought to be postponed to the general good of the union; and moreover, in firm reliance that the candor and justice of the several states will, in due time, remove, as far as possible, the inequality which now subsists:

Sect. 1. Be it enacted by the council and general assembly of this State, and it is hereby enacted by the authority of the same, that the Hon. John Witherspoon, Abraham Clark, Nathaniel Scudder, and Elias Boudinot, Esqrs. delegates, representing this State in the Congress of the United States, or any one or more of them, be, and they hereby are authorized, empowered, and directed, on behalf of this State, to subscribe and ratify the said articles of confederation and perpetual union between the several states aforesaid.

Sect. 2. And be it further enacted by the authority aforesaid, that the said articles of confederation and perpetual union, so as aforesaid

subscribed and ratified, shall thenceforth become conclusive as to this State, and obligatory thereon.

COUNCIL CHAMBER, *November 19, 1778.*

This bill, having been three times read in council,
Resolved, That the same do pass.
By order of the house,

WILLIAM LIVINGSTON, *President.*

HOUSE OF ASSEMBLY, *November 20, 1778.*

This bill, having been three times read in the house of assembly,
Resolved, That the same do pass.
By order of the house,

CALEB CAMP, *Speaker pro tem.*

All which, by the tenor of these presents, I have caused to be exemplified.

In testimony whereof, the great seal of the said State of New Jersey is hereunto affixed, at Trenton, the twentieth day of November, in the year of our Lord one thousand seven hundred and seventy eight, and in the third year of the independency of the United States of America.

WILLIAM LIVINGSTON.

By his excellency's command,

BOWES REED, *Secretary.*

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration, the propositions to them referred, and made some farther progress, but not having come to a conclusion, desire leave to sit again:

Resolved, That to morrow at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

SIX O'CLOCK, P. M.

A letter, of 15, from Admiral Gambier, was read, relative to an officer of the king his master, shipwrecked, as he says, in carrying a flag:[1]

[1] This letter is in the Library of Congress, *United States Revolution*, IV.

Ordered, That it be referred to the committee on the letter of the 30th of October, from Commissary Beatty.

Mr. [George] Frost, a delegate from New Hampshire, attended, and produced a resolution of the general assembly of that State as follows:

STATE OF NEW HAMPSHIRE,
IN THE HOUSE OF REPRESENTATIVES,
October 31, 1778.

Voted and resolved, that any one of the Delegates from this State to the honorable Continental Congress be, and hereby is authorized and empowered to represent this State in said Congress, at all times, in the Absence of the other Delegates from this State, until the Articles of Confederation of the United States shall be ratified by all the States.

Sent up for concurrence,

JOHN LANGDON, *Speaker.*

In Council, the same Day, read and Concurred,

E. THOMPSON, *Secretary.*

A true copy, examined by E. THOMPSON, *Secretary.*[1]

The Hon. W. A. Atlee, one of the judges in the supreme court, being engaged on the bench on a trial in a capital case, could not attend ||agreeable to the summons: Whereupon,||

Adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 26, 1778

In pursuance of the powers to them granted, the delegates of New Jersey signed ||the ratification of|| the articles of confederation and perpetual union.

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the

[1] The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates.*

propositions referred to them, but not having come to a conclusion, desire leave to sit again.

Resolved, That to morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 27, 1778

A memorial from Abraham Whipple, and others, commanders in the continental navy; also a memorial from sundry officers of marines, and a copy of a memorial from 27 officers in the navy, were read.

Ordered, That they be referred to the Marine Committee.

A letter from Hon. J. Adams, Esq. respecting the late Lieutenant Barron's family, was read:

Ordered, That it be referred to the Marine Committee.

A letter, of 21, from General Washington, with sundry papers; and

One, of 26th, from Baron Steuben, were read:

Ordered, That they be referred to the Board of War.

A letter, of 23, from Governor Livingston, of New Jersey;

And one, of 20, from Colonel Hartley, at Sunbury, were read:[1]

Ordered, That a copy of Colonel Hartley's letter be sent to General Washington.

A petition of Captain John Lightbourn, was read, setting forth the distresses of the inhabitants of Bermudas, and praying for liberty to carry thither bread, flour, and Indian corn:[2]

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 531; that of Steuben, in No. 164, folio 150; that of Livingston, in No. 68, folio 425; and that of Hartley, in No. 78, XI, folio 379.

[2] This petition, November 12, is in the *Papers of the Continental Congress*, No. 42, VI, folio 423. It is endorsed by Laurens: "Laid on the table by General Roberdeau, 16 November, 1778."

Resolved, That the prayer of the petition be not granted.

A letter, of 20 November, from General Washington, with a paper enclosed, respecting a regiment raised under the command of Colonel Bedel, was read:[1] Whereupon,

Resolved, That the regiment under Colonel Bedel be disbanded.

A memorial from Eleazer Wheelock, was read:

Ordered, That it be referred to the Board of Treasury.

A letter and memorial from Thomas Galbreath, were read:[2]

Ordered, That the same be referred to the Board of War.

The committee to whom was referred a motion respecting Colonel Seth Warner's regiment, report,

That it appears by a resolution of 21 December, 1776, that officers were to receive pay on a new establishment from the time of their being appointed by the states; and by a letter of the 10th instant,[3] which they have received from Mr. Palfrey, pay master general, and which accompanies this report, it appears the officers were paid accordingly; the committee therefore are of opinion, that officers appointed by Congress to raise regiments, to serve for three years or during the war, previous to the 7th day of October, 1776, ought to receive additional pay from that time, and that the resolution || motion || to them referred is proper, and is as follows:

Whereas it is represented that the officers of Colonel Seth Warner's regiment, who engaged in the service for three years or during the war, previous to the 7th day of October, 1776, have not been allowed the additional pay made to the wages of officers by a resolution of Congress

[1] This letter and enclosure are in the *Papers of the Continental Congress*, No. 152, VI, folios 523 and 527.

[2] These papers are in the *Papers of the Continental Congress*, No, 41, III, folios 397 and 405.

[3] This letter is in the *Papers of the Continental Congress*, No. 165, folio 494.

of that date, for the time between that day and the first day of January, 1777, the commanding officer of the northern department being then in doubt whether they were entitled to it by the said resolution:

Resolved, That if it shall be made to appear to the commanding officer in the northern department, that the said officers, or others in like circumstances, have not received said additional pay, that he order the same to be paid.

Resolved, That Congress agree to the report of the committee.

Resolved, That two members be added to the committee on the memorial from Mr. Penet:

The members chosen, Mr. F[rancis] L[ightfoot] Lee and Mr. [James] Searle.

According to order, Congress was resolved into a committee of the whole, to consider farther the propositions referred to them, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the propositions referred to them, and made some further progress, but not having come to a conclusion, desire leave to sit again:

Resolved, That to morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.[1]

Adjourned to 10 o'Clock to Morrow.

[1] A letter of Governor Henry to the delegates of Virginia, dated November 14, was read on this day. It is in the *Papers of the Continental Congress*, No. 71, I, folio 189.

SATURDAY, NOVEMBER 28, 1778

A letter, of this day, from Mr. de Francey, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. M[eriwether] Smith, Mr. [William] Ellery and Mr. [William Henry] Drayton.

An appeal from the judgment of a court of admiralty for the State of Pensylvania, on a libel "Thomas Houston, *versus* the sloop *Active*, &c." ||was lodged with the secretary and referred to the Committee on Appeals.||

A memorial from Lieutenant Hele was read.[2]

The committee to whom was referred a letter of 15, from Admiral Gambier, respecting an officer, commander of the *Hotham*, &c. reported the draught of a letter in answer thereto, which was taken into consideration and agreed to as follows:

SIR: Your letter of the 15 inst. respecting the officers and crew of the *Hotham* sloop has been laid before Congress, and I am instructed to inform you,

That as the manifestoes on board that vessel were of a seditious nature, and intended to open an unwarrantable correspondence, their being covered by a flag of truce is by no means an extenuation of the offence:

That as no respect is due by the law of nations to a flag of truce when employed in illicit practices; so, when detected, all the rights of a flag are forfeited; nor does the accidental wreck of the vessel in question make any distinction in favour of those who navigated her:

That the resolution of Congress, authorizing the seizure of the flag, being subsequent to the fact complained of in that resolution, requires no justification; the fact must necessarily precede the complaint, and the measures for preventing the consequences of the fact:

That addressing the manifesto in the first instance to Congress does not prove that it was not seditious, since it was at the same time addressed to the several assemblies of the United States, to the clergy,

[1] This letter is in the *Papers of the Continental Congress*, No, 78, IX, folio 209. The vote on the committee was: Ellery, 5; Smith, 6; Lewis, 2; Drayton, 4; Duane, 1; Morris, 3; Sherman, 1; Lee, 1; Whipple, 1; Searle, 1; Carmichael, 2.

[2] This memorial is in the *Papers of the Continental Congress*, No. 78, XI, folio 383.

to the officers of the American army, and to the people at large; which incontestibly shews it to be seditious and unwarrantable:

That, notwithstanding the implied threat of retaliation, had there been greater danger in it than there is, Congress would nevertheless have adhered to such measures as are justified by reason and conducive to the general good.

I have the honor to be, &c.[1]

Sundry reports from the Board of Treasury were laid before Congress; Whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pensylvania, in favour of Major General Thomas Mifflin, late quarter master general, for fifty thousand dollars, for the use of his department; for which he is to be accountable:

On passing this order, the yeas and nays being required by Mr. President [Henry Laurens,]

New Hampshire,			*Pennsylvania*,		
Mr. Whipple,	no	no	Mr. Roberdeau,	no	ay
Frost,	no		Clingan,	ay	
Massachusetts Bay,			Searle,	ay	
Mr. S. Adams.	ay	ay	*Maryland*,		
Gerry,	ay		Mr. Carmichael,	ay	ay
Lovell,	ay		Henry,	ay	
Holten,	no		*Virginia*,		
Rhode Island,			Mr. F. L. Lee,	ay	*
Mr. Ellery,	no	div.	M. Smith,	ay	
Collins,	ay		*North Carolina*,		
Connecticut,			Mr. Penn,	ay	ay
Mr. Sherman,	no	div.	Harnett,	ay	
Ellsworth,	ay		Williams,	no	
New York,			*South Carolina*,		
Mr. Duane,	ay	*	Mr. Laurens,	no	no
New Jersey,			Drayton,	no	
Mr. Scudder,	no	no	Hutson,	ay	

So it passed in the affirmative.

[1] A copy of this letter is in the *Papers of the Continental Congress*, No. 23, folio 51; another copy is in *United States Revolution*, IV.

Ordered, That a warrant issue on John Lawrence, Esq. commissioner of the continental loan office in the State of Connecticut, for fifty thousand dollars, in favour of Isaac Forster, Esq. deputy director general in the eastern district, for the use of his department; for which he is to be accountable:

That another warrant issue on the treasurer in favour of Isaac Forster, Esq. deputy director general in the eastern district, for twenty-five thousand dollars, to be paid to James Davidson, for the use of the said department; the said deputy director general to be accountable:

That a warrant issue on Nathaniel Appleton, Esq. commissioner of the continental loan office in the State of Massachusetts bay, for three hundred dollars, in favour of David Mosely, it being advanced him on account of copper plate printing; for which he is to be accountable:[1]

That a warrant issue on the treasurer in favour of Captain Isaiah Johnson, for five thousand and eighty four dollars, to answer two sets of exchange, No. 36, for five hundred dollars, and No. 37, for 4584 dollars, drawn by the late William Kennon, deceased, in favour of David Flowers, dated 14 April, 1777; and that the said sum of 5084 dollars be charged to the account of the said William Kennon, deceased:[2]

That a warrant issue on the treasurer in favour of Jonathan Dayton, Esq. for ten thousand dollars, in discharge of a bill drawn by William Palfrey, Esq. paymaster general, for that sum, in favour of the said Jonathan Dayton, dated October 18, 1778, expressed to be for

[1] These items were reported by the Board of Treasury on November 21. See note under November 24, *ante*.

[2] This report, dated November 23, is in the *Papers of the Continental Congress*, No. 136, II, folio 715.

the use of the forces of the United States of America; the said pay master general to be accountable:

That a warrant issue on the treasurer in favour of John Bailey, for one thousand dollars, in payment of a draught of Major General R. Howe, dated Charleston, South Carolina, August 24, 1778, in favour of Captain Rawleigh Downman, and endorsed by him for that sum, it being agreeable to a letter of advice, of the same date, from General Howe, who is to be accountable:[1]

That a warrant issue on the treasurer in favour of Colonel John Cox, assistant quarter master general, for three million five hundred thousand dollars, for the use of the department of Major General Greene, quarter master general, who is to be accountable:

Postponed

That a warrant issue on Thomas Smith, Esq., Commissioner of the Continental Loan Office in the State of Pennsylvania, for five Hundred Thousand Dollars, in favor of Colonel John Cox, Assistant Quarter Master General, for the use of the Department of Major General Greene, Quarter Master General, who is to be accountable.

That a warrant issue on the treasurer in favour of Major General Lee, for one thousand dollars advanced him on account: he to be accountable:[2]

That a warrant issue on the treasurer in favour of Captain Richard Call, for nine hundred dollars, for the use of Colonel Benjamin Temple, to enable him to pay sundry balances due from the first battalion of light dragoons, in consequence of the orders of General Washington, of the 30 December last; the said Colonel Temple to be accountable:[3]

[1] This report, dated November 24, is in the *Papers of the Continental Congress*, No. 136, II, folio 717.

[2] This report, dated November 25, is in the *Papers of the Continental Congress*, No. 136, II, folio 721.

[3] This report, dated November 26, is in the *Papers of the Continental Congress*, No. 136, II, folio 731.

That there be advanced to Colonel Isaac Melchior, Barrack Master
Postponed General, fifty Thousand Dollars, for the use of his Department, and for which he is to be accountable. [1]

That there be advanced to Colonel Benjamin Flower, commissary general of military stores, one hundred thousand dollars, for the use of his department; for which he is to be accountable.

Resolved, That so much of the report as relates to a warrant on Thomas Smith, in favour of Colonel J. Cox, and of an advance to Isaac Melchier, barrack master, be postponed.

Resolved, That the several managers of the lottery of the United States be allowed, for their services whilst acting in that department, four dollars a day, previous to the 5th day of February last; five dollars a day from that to the present time; and that their allowance for future services be determined at the close of the drawing of the second class.

That the Board conferred with the Managers on the expediency of drawing the Blanks and Prizes of the Continental Lottery, directed them to be prepared for this purpose, that the Measure may be adopted, if Congress shall hereafter approve thereof.[2]

The Committee on the Treasury, to whom was referred a part of the memorial of Robert Yauncey, cornet, of the first regiment of light dragoons, relating to 376 dollars, lost on the sudden retreat of the troops from Bound Brook, 13 April, and which was part of a sum put into his hands for the purpose of paying such regiment, brought in a report;[3] Whereupon,

[1] See under December 14, *post*.

[2] This report, dated November 27, is in the *Papers of the Continental Congress*, No. 136, II, folio 735.

[3] This report, dated January 3, 1778, is in the *Papers of the Continental Congress*, No. 132, II, folio 1.

Resolved, That the said sum of three hundred and seventy six dollars be allowed to Robert Yauncey, on the settlement of his account.

The committee to whom was referred the petition of George Rice, respecting a sum of public money lost at the battle of Brandywine, report, that they have taken the same into consideration, and, having examined witnesses, they find that the material facts therein set forth are true, and therefore are of opinion,

That a warrant issue on the treasurer in favour of the said Captain George Rice, for five hundred and sixty five dollars, in full for his loss as aforesaid:

Resolved, That Congress agree to the said report.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to the following persons, for superintending the money press, &c. as follows:

To John Biddle, from 30 July to 5 November, 1778, inclusive, five hundred and ninety four dollars; to Isaac Snowden, for the same time, five hundred and ninety four dollars; to Peter Thomson, for the same time, five hundred and ninety four dollars; to Nathaniel Falconer, from 14 September to 5 November, 1778, inclusive, three hundred and eighteen dollars; to Isaac Howell, from 13 October to 5 November, 1778, inclusive, one hundred and forty four dollars; to Isaac Harrison Frenock [French] & Co. for sundry articles supplied for the use of the printers, &c. two hundred and four 30/90 dollars, making, in the whole, two thousand four hundred and forty eight 30/90 dollars, for which a warrant should issue in favour of John Biddle:[1]

Ordered, That the said accounts be paid.

[1] This report, dated November 25, is in the *Papers of the Continental Congress*, No. 136, II, folio 727. See under December 7, *post*.

A memorial from the magistrates and the overseers of the poor of the city of Philadelphia, was read, praying for a compensation for the use of the house of employment, occupied for continental hospital:[1]

Ordered, To lie on the table.

A letter, from Joseph Marsh, of the New Hampshire grants, with a printed paper enclosed, was read.[2]

Ordered, To lie on the table.

The committee to whom was referred Major General Heath's letter, of 8 July, with sundry papers relative to Ensign Brown, brought in a report:

The Committee, to whom was referred General Heath's Letter of the 8th July, 1778, and other papers respecting the case of Ensign John Brown, under sentence of death by the Judgment of a Court Martial, report as their opinion, That the said John Brown be released from the Sentence of Death and be Cashiered; ~~or that General Heath be directed to order a New Trial of the Case by a Court Martial.~~[3]

Ordered, That the consideration thereof be postponed to Tuesday next.

A letter, of this day, from Jonathan F. Morris, lieutenant in Colonel Proctor's regiment, was read, requesting leave to resign his commission:[4]

Resolved, That he have leave, and that his resignation be accepted.

Adjourned to 10 o'Clock on Monday.

[1] This memorial, dated November 18, is in the *Papers of the Continental Congress*, No. 41, VI, folio 73.

[2] This letter, dated October 23, is in the *Papers of the Continental Congress*, No. 40, I, folio 169. It is endorsed by Laurens: "Representation of the Assembly of Vermont to Congress, delivered to me by Lieut. Col. Wheeloc, 26 November, 1778; withheld by his special desire the 27th; read the 28th."

[3] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, III, folio 119.

[4] This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 419.

MONDAY, NOVEMBER 30, 1778

On motion, *Resolved*, That Congress meet on Wednesday evening, at six o'clock, to consider the proceedings of the courts martial on the trials of Major General Lee, Major General Schuyler, and Major General St. Clair.

A letter, of 23, from General Washington, was read, enclosing a memorial and letter from Major Whitcombe, and sundry other papers relative to the attack on Cherry Valley:[1]

Ordered, That the memorial and letter from Major Whitcombe be referred to the Board of War.

Two affidavits, relative to the convention troops, were laid before Congress:

Ordered, That they be referred to a committee of three; and that the said committee be directed to take measures for collecting evidence relative to the infractions made by the enemy on the convention of Saratoga; and that all the evidence heretofore collected be committed to the said committee.

The members chosen Mr. [James] Duane, Mr. [William] Carmichael, Mr. G[ouverneur] Morris.

A letter, of 24, from the Board of War, was read, desiring an advance of 50,000 dollars:

Ordered, That it be referred to the Board of Treasury.

The Board of War, to whom was referred the letter from R. Downman and G. Hancock, brought in a report: Whereupon,

Ordered, That the said letter be referred to the Board of Treasury.

A report from the Board of War was read, respecting the quartering officers of the convention troops:

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 545; that or Whitcomb, dated November 16, in No. 41, X, folio 370.

WAR OFFICE, *October 17, 1778.*

The Board request you will be pleased to obtain, immediately, the sense of Congress whether Gen! Burgoyne's officers are to be quartered within the Picketts surrounding the Hutts to be built for the Men in Virginia, or whether they are to be separated from them and stationed in the most convenient Towns or Places in the Neighbourhood on parole. The Board are endeavoring to get proper Information to form an Estimate for making the Contract directed by Congress, and it will make a very considerable Difference in the Estimate both as to Time and expense, if the Officers are disposed in the Manner last mentioned.[1]

Ordered, That it be re-committed, and that the Board be empowered and directed to give such orders in the premises as they in their judgment shall think most for the public interest and safety.

A letter, of 26, from the secretary of the Board of War, was read, enclosing a list of the brigadiers and the regiments composing the several brigades:[2]

Ordered, That it be re-committed.

A letter, of 20 October, from the Board of War, was read, enclosing a letter of 11th of the said month, from General Washington, and a letter of 8 October, from Samuel Nicholas, relative to the necessity of making provision for cloathing the officers:[3]

Ordered, That the letters enclosed be referred to the committee on the cloathier's department.

Resolved, That Mr. [James] Searle be added to the said committee.

The Board of War having transmitted to Congress a copy of the agreement entered into with them by George

[1] This report, in the form of a letter from Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 335.

[2] These lists are in the Library of Congress, *United States Revolution*, IV. They were recommitted to the Board of War, and again reported December 3, 1778, though dated by Peters December 4.

[3] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 581; that of Nicholas is on folio 585.

Rice, for a tract of land, and erecting barracks for the convention troops in Virginia, together with a plan of the said barracks:

Ordered, That the copy of the agreement and plan be lodged with the Board of Treasury.

A report from the Board of War, on the letter of 26 October, from Major General Sullivan, relative to the high price of forage, was read: Whereupon,

Resolved, That in all cases where forage is wanted for the troops, and cannot be purchased by the commissaries at reasonable rates, application be made to the executive or legislative authority of the State wherein the forage is required, or to some person or persons properly authorized by them for that purpose, for their interposition and assistance in procuring the necessary supplies:

That it be recommended to the governments of the states, wherein the army or any detachment or part thereof now is, or hereafter shall be, to take such measures, in aid of the forage masters, who shall first use every endeavour to purchase the same, for the procuring sufficient quantities of forage, at reasonable rates, as shall, in their opinion, be effectual, and most likely to procure a speedy supply.[1]

A report from the Board of War, was read, on a letter of 30 October, from Major General Schuyler, on the subject of cloathing in the store at Fort Schuyler, directed to be sold to the friendly nations of Indians in the vicinity thereof: Whereupon,

Resolved, That the cloathing now in store at Fort Schuyler, purchased for account of the United States, be either sold at such reasonable prices as shall be deemed satisfactory to the Indians, or distributed gratis among such

[1] This report, dated November 10, is in the *Papers of the Continental Congress*, No. 147, II, folio 363. The members present: Sherman, Mathews and Peters.

of them as are and have been faithful and steady in their attachment to these states, in such proportion and in such manner as shall be thought proper by the commissioners of Indian affairs in the northern department:

That the commissioners be directed to inform the Oneidas, our friends and allies, that Congress, ever mindful of their necessities, have ordered from France, a considerable time ago, and are in expectation of the speedy arrival of, a large assortment of Indian goods, suitable for, and adequate to the supply of their wants; and that due notice will be given of the arrival of these goods, and proper places appointed for disposing of them on reasonable terms to our brethren of the friendly nations:

That, in the mean time, it is expected that they will continue to bear with us with their accustomed fortitude and patience, the evils of this unjust war on the part of Britain, as they will enjoy with us all the benefits of that peace and security which will speedily be the result of our virtuous and successful endeavours.[1]

A report from the Board of War, on sundry letters and papers from Brigadier M'Intosh, was read:

Ordered, That the same be re-committed.

A letter, of 7th October, from Colonel G. Morgan, relative to damaged provisions in the magazine at Fort Pitt, was read:[2]

Ordered, To lie on the table.

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again:

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 367. The members present: Mathews, Sherman and Peters.

[2] This letter is in the *Papers of the Continental Congress*, No. 163, folio 309.

Resolved, That to morrow, at one of clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 1, 1778

Mr. [Nathaniel] Scudder, a delegate from New Jersey, produced a letter dated November 6, directed to him from John Hart, chairman of a meeting of the council and general assembly of the State of New Jersey, held for the election of delegates, informing him, that he, said Nathaniel Scudder, together with the Hon. Dr. John Witherspoon, John Fell, John Neilson, and Frederick Frelinghuysen, Esqrs. were on that day elected delegates to represent that State in Congress.[1]

A letter, of 11 November, from Elisha Sheldon, colonel, Samuel Blackden, lieutenant colonel, Benjamin Tallmad[ge], major, and Josiah Stoddard, captain, of the second regiment of light dragoons, was read,[2] representing, "that Lieutenant John Simonet de Valcour has served with reputation in the second regiment of cavalry since its first establishment; that the rupture between France and England beginning to grow serious and interesting, Lieutenant Simonet is desirous of rejoining the army of his most Christian majesty, and therefore humbly requesting that Congress would promote Lieutenant Simonet to a captaincy in the cavalry, on condition of his leaving his present service, as an honorary compensation of his attachment and fidelity, with a saving to all his present senior officers their superiority of rank and command:" Whereupon,

[1] The letter of John Hart is in the *Papers of the Continental Congress*, No. 68, folio 421.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 337.

Resolved, That Lieutenant John Simonet de Valcour be promoted to the rank of captain by brevet, on the condition and with the saving in the above letter.

A letter, of 25 November, from Brigadier Count Pulaski, was read,[1] enclosing the commission of Count Julius de Montfort, major in Brigadier Count Pulaski's corps of horse and foot, called the Legion, informing that he has given him leave to quit that corps:

Resolved, That the commission of Count Montfort be accepted.

A letter, of 25 November, from Governor Livingston, respecting cloathing for the New Jersey troops, and one of 29 of the same month, from G. Morgan, agent for Indian affairs, respecting lands purchased of the Indians on the west side of the Ohio, were read:

Ordered, That they be referred to the Board of War.

A letter, of 28 November, from Baron Steuben, was read:

Ordered, That it be referred to the Board of War, who are directed to pay an immediate and particular attention to the matter referred to in the letter, that the same may be carried into effect without delay.

A letter, of 29 November, from Lieutenant Colonel Fleury, was read:[2]

Ordered, That a copy of the said letter be sent to General Washington, and that he be desired to express his sentiments thereon.

A letter, of 28 November, from Colonel George Morgan, was read; Whereupon,

Congress took into consideration a report of the Board of War of 14 August last, wherein the Board sets forth,

[1] This letter is in the *Papers of the Continental Congress*, No. 164, folio 68.

[2] Morgan's letter is in the *Papers of the Continental Congress*, No. 163, folio 321; Steuben's, in No. 164, folio 154; and Fleury's, in No. 78, IX, folio 213.

"That Colonel George Morgan, purchasing commissary for the western department, has represented to the Board the necessity of preparing immediately for the laying up such magazines of provisions as shall be sufficient for the troops maintained for the defence of the western frontiers: that for the supply of 1300 men for ten months, 617,500 lb. of flour, a like quantity of fresh beef, or 494,000 lb. of pork, will be necessary: the cost of which, with 1500 gallons of whiskey, will amount to 204,000 dollars: that on account of the hostile Indians to the westward, and the northern tribes, particularly the Senecas, the number of men above stated will be necessary, including 150 for garrisoning Fort Randolph;" Whereupon,

Resolved, That Colonel George Morgan, commissary of purchases for the western district, be furnished with two hundred and four thousand dollars, to enable him to form magazines of provisions for the use of that department the year ensuing.[1]

A letter, of 30 November, from Silas Deane, Esq., was read; Whereupon,

Resolved, That after to morrow Congress will meet two hours at least each evening, beginning at six o'clock, Saturday evening excepted, until the present state of our foreign affairs shall be fully considered.

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again:

Resolved, That to morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

[1] See under September 3, 1778, *ante*.

At a Board of War, *1st December, 1778.*

Present, Mr. Sherman, Mr. Peters and Mr. F. L. Lee.

The Board having considered the papers referred to them by Congress relative to a Fort built and provisions supplied by Mr. Thomas Galbreath, beg leave to report:

That as the fort erected at Ligonier in the State of Pennsylvania was not built by virtue of any order from the Continental General officer commanding in the Fort Pitt department, nor the provisions issued to the Troops at that place delivered under any direction of the said General Officer; but the whole was undertaken for the particular defence of the said State or a part therof, without authority from Congress, or any person acting under their directions:

Resolved, That the Petition of the said Mr. Thomas Galbreath praying to be paid certain expences incurred by him in building a Fort at Ligonier in the State of Pennsylvania, and issuing provisions to the Militia at that post, be dismissed; as the said expences ought not to be paid out of the Continental Treasury.[1]

Adjourned to 10 o'Clock to morrow.

WEDNESDAY, DECEMBER 2, 1778

A letter, of 28 November, from John Baynton, pay master to the troops on the western frontiers, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 27 October, from Mes: Weare, president of New Hampshire, was read.

Also a letter of 6th November from the said Mr. President Weare, with a deposition of Samuel Davis and a deposition of Ephraim Whitney, respecting a quantity of continental money said to be burned; also a memorial of John Hageman and Matthew Hollenbach, respecting sums of continental money said to be lost and burned, were read:[2]

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 393.

[2] Weare's letters are in the *Papers of the Continental Congress*, No. 64, folios 55 and 59. The depositions of Davis and Whitney are on folios 62 and 64. The memorial of Hageman and Hollenbach is in No. 41, IV, folio 39.

Ordered, That they be referred to the Board of Treasury, and that the Board report specially thereon.

A letter, of this day, from Brigadier du Portail, was read:

Ordered, That it be referred to the Board of War.

A letter, of 26 November, from General Washington, respecting Mr. John Dodge, was read:[1]

Ordered, That it be referred to the Board of War.

A letter, without date, from John Connolly, was read:

Ordered, That it be referred to the Board of War.

A notification from the honorable Sieur Gérard, minister plenipotentiary ||of France,|| respecting the authentication of papers, was read.

A letter, of 16 July, from Hon. A. Lee, to the Committee of Foreign Affairs, was laid before Congress, and read.

A memorial from Baron Randerode de Thulier was read;[2] Whereupon,

Congress took into consideration a report of the committee on the memorials of Marquis de Britigny and Baron Thulier, and after debate,

The Committee to whom were referred the memorials of the Marquis de Britigney and the Baron de Randerode de Thuillures, report the following draught of a letter to be written to each of them:

Sir, Congress, ever desirous of shewing all possible attention to the subjects of His Most Christian Majesty their good Ally, with concern see that they cannot consistently with the situation of affairs, grant you a rank in the Army of the United States adequate to your merit and their wishes. They thank you for the offer of your services, but must deny themselves the pleasure of accepting it. The zeal you have displayed in the cause of America, and the loss and severity you have sustained and experienced from the enemy, have impressed Congress

[1] The letter of Du Portail is in the *Papers of the Continental Congress*, No. 164, folio 334; and that of Washington, in No. 152, VI, folio 567.

[2] This memorial, dated November 30, is in the *Papers of the Continental Congress*, No. 41, X., folio 41.

with respect for you. They have delayed to answer your Memorials, with the hope, that circumstances might arise to enable them to make use of your Talents; but they can no longer persevere in a silence, which was induced by favourable intentions, but which has occasioned to you already too long an attendance.[1]

Resolved, That it be re-committed.

Ordered, That the letter of 25 November, from Count Pulaski, be referred to the Board of War.

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that Congress have had under their farther consideration the propositions referred to them, but not having come to a conclusion, desired leave to sit again:

Resolved, That to morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Congress took into consideration a report from the Marine Committee respecting Captain Barry, and after debate,

Ordered, That it be re-committed.

Congress took into consideration the report of the committee on the letter from General Heath, and the papers relative to || Ensign || John Brown, and after debate,

The consideration thereof was postponed.

SIX O'CLOCK P. M.

Congress took into consideration the proceedings of the court martial on the trial of Major General Lee, and a motion was made,

"That the sentence of the general court martial upon Major General Lee be carried into execution:" Where-

[1] This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 78, III, folio 259.

upon it was moved, that the consideration of that motion be postponed.

Upon which the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,			*Pennsylvania*,		
Mr. Whipple,	ay	ay	Mr. Clingan,	no	div.
Massachusetts Bay,			Searle,	ay	
Mr. S. Adams,	ay		*Maryland*,		
Lovell,	ay	ay	Mr. Paca,	ay	
Holten,	ay		Carmichael,	ay	ay
Rhode Island,			Henry,	ay	
Mr. Collins,	ay	ay	*Virginia*,		
Connecticut,			Mr. F. L. Lee,	ay	*
Mr. Sherman,	no	no	*North Carolina*,		
Ellsworth,	no		Mr. Penn,	no	
New York,			Harnett,	ay	no
Mr. Duane,	no		Williams,	no	
G. Morris,	ay	no	*South Carolina*,		
Lewis,	no		Mr. Laurens,	no	
New Jersey,			Drayton,	no	no
Mr. Scudder,	no	no	Hutson,	ay	

So it passed in the negative.

After further debate,

Adjourned to 10 o'Clock to Morrow.[1]

THURSDAY, DECEMBER 3, 1778

A letter, of 19, from Major General Heath, with a list of the convention troops, was read:

Ordered, That the same be referred to the Board of War.

A letter, of 27 November, from General Washington, was read:

[1] In the *Papers of the Continental Congress*, No. 59, II, folio 139, is a paper "État détaillé de chaque pièce composant un fusil prix en France." It is endorsed: "Mr. Pennet's proposal for making fire arms: laid on the table by Mr. Sherman, 2 December, 1778."

A letter, of 20 November, from Brigadier la Neuville, with a memorial from the same, were read:

A letter, of 23 November, from General Washington, enclosing a letter to him from Mr. James Bowdoin, at Boston;

One of 29 November, from Governor Livingston, of New Jersey;

One of the 3 November, from the council of Massachusetts Bay, and one of 16 November, from Governor Trumbull, of Connecticut; all coming by and respecting John Temple, Esq. were read.[1]

The Board of War to whom was re-committed the return of the brigadiers and regiments composing the brigades in the service of the United States, sent in another return, ||amended and explained.||

SIX O'CLOCK, P. M.

Congress took into consideration the proceedings of the court martial, on the trial of Major General Schuyler; Whereupon,

Resolved, That the sentence of the general court martial acquitting Major General Schuyler, with the highest honor, of the charges exhibited against him, be, and is hereby, confirmed.

Ordered, That the proceedings of the said court martial be published.

Ordered, That this resolution be transmitted to the Commander in Chief.

[1] The letter of Heath is in the *Papers of the Continental Congress*, No. 157, folio 240; those of Washington, in No. 152, VI, folios 563 and 577 (that of the 27th is printed in the *Writings of Washington* (Ford), VII, 275); a letter of La Neuville, dated November 23, is in No. 41, VII, folio 27; that of Bowdoin, in No. 78, III, folio 205; that of Livingston, in No. 68, folio 429; that of the Massachusetts council, in No. 65, I, folio 356; and that of Trumbull, in No. 66, I, folio 434.

Ordered, That the consideration of the proceeding of the court martial on Major General St. Clair be postponed.

Ordered, That the letter of 15, from Admiral Gambier, with the answer thereto, be published.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, DECEMBER 4, 1778

A letter, of 3, from Major Aug. des Epiniers, was read, requesting leave of absence for a few months, on account of private business, which requires his return to France;[1] Whereupon,

Resolved, That Major Aug. des Epiniers have leave of absence for six months.

Congress resumed the consideration of the letter from Brigadier de Laneuville; Whereupon,

Ordered, That a certificate be given by the President to Mons. Laneuville in the words following:

Mr. Laneuville having served with fidelity and reputation in the army of the United States, in testimony of his merit, a brevet commission of brigadier has been granted to him by Congress, and, on his request, he is permitted to leave the service of these states and return to France.

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their further consideration the propositions referred to them, and made some progress, but not having come to a conclusion, desire leave to sit again.

Resolved, That to morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 231.

On motion, *Resolved*, That Lieutenant Henry P. Livingston be promoted to the rank of captain in the corps of General Washington's guards, in the room of Captain Gibbs, lately promoted to the rank of major.

SIX O'CLOCK, P. M.

Congress resumed the consideration of the proceedings of the general court martial on the trial of Major General Lee, and the motion made thereon: when the question was about to be put, the determination thereof was put off by the State of Georgia till to morrow.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 5, 1778

A letter, of this day, from John Connolly, was laid before Congress:[1]

Ordered, That it be referred to the Board of War.

A letter, of 3, from Captain Cosmo Medici, was read:

Ordered, That it be referred to the commissioners of claims at the Board of Treasury.

A letter, of 23 November, from Brigadier Count Pulaski, was read, together with a memorial from sundry inhabitants of the Minisinks, respecting the difficulty of procuring forage for the horses of the legion:

Ordered, That the same be referred to the Board of War.

A letter, of 1, from Major General Lord Stirling, was read:

A letter, of 23 November, from Governor Henry, was read:[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 275.

[2] Pulaski's letter is in the *Papers of the Continental Congress*, No. 164, folio 62; the memorial is on folio 66; that of Stirling, in No. 162, folio 551; and that of Henry, in No. 71, I, folio 193.

Ordered, That it be referred to the Marine Committee.

A letter, of 13 November, from the Council of Massachusetts bay, ||was read,|| respecting the eastern Indians:

Resolved, That the President write to the council of Massachusetts bay, and inform them, it is the desire of Congress that they comply with the request of the Indians in sending them a priest.

Mr. [John] Fell, a delegate from New Jersey, attended, and produced the credentials of the delegates of that State, which were read as follows:

NEW JERSEY, *November 6th, 1778.*

The Council and Assembly met at Trenton, and in Joint Meeting proceeded to the Election of five Delegates to represent this State in Congress, and the Votes being taken, the hon. John Witherspoon, Nathaniel Scudder, Frederick Frelinghuysen, John Fell and John Neilson, Esquires, were duly elected.

Resolved, therefore, That the said John Witherspoon, Nathaniel Scudder, Frederick Frelinghuysen, John Fell and John Neilson, Esquires, or any two or more of them, be empowered to Represent and vote in Behalf of this State in the Congress of the United States of North America, from the first day of December next, until the first day of December in the Year of our Lord One thousand seven hundred and Seventy nine, unless a new appointment shall sooner take place. It is nevertheless expected that three of the Delegates do constantly attend in Congress, unless prevented by sickness or other Accident.

The above is a true Copy from the Minutes of the Joint Meeting:

BOWES REED, *Secretary.*[1]

A letter, of 29 November, from Major General the Marquis de la Fayette, was read:[2]

Ordered, That it be referred to a committee of three;

The members chosen, Mr. [William Henry] Drayton, Mr. G[ouverneur] Morris and Mr. [James] Lovell.

[1] The original is in the *Papers of the Continental Congress*, New Jersey, *Credentials of Delegates.*

[2] This letter is in the *Papers of the Continental Congress*, No. 156, folio 77.

The President, at the request of the Minister of France, laid before Congress an address of the Count d'Estaing to the inhabitants of Canada, which was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [William Henry] Drayton, Mr. G[ouverneur] Morris and Mr. [James] Lovell.

A letter, of this day, from Lieutenant John Carter, was read, informing, that he considers other officers much injured by his singular promotion, and that under those circumstances he imagines that he cannot continue in the service consistent with principles of honor, and therefore desiring leave to resign his commission:[2]

Resolved, That he have leave to resign, and that his resignation be accepted.

The committee to whom was referred the letter of 11 November, from General Washington, brought in a report, which was read and agreed to.

That the Reasons assigned by the General against an Expedition to Canada, appear to the Committee to be well founded and to merit the Approbation of Congress.

That they are fully of Opinion that nothing of great Importance can be attempted in that Quarter unless the Enemy should evacuate the Posts which they now hold within these United States.

That it appears, nevertheless, highly probable that they will evacuate such Posts before the active Part of the ensuing Campaign.

That whatever may be the Situation of these States in other Respects, nothing can be done unless the necessary Preparations therefor be made in due Season.

That the Committee are of Opinion the Complexity of the Plan heretofore adopted by Congress, altho' calculated

[1] A translation of this address, in the writing of John Laurens, is in the *Papers of the Continental Congress*, No. 59, II, folio 147.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 273.

to distract the Views of the Enemy, may be nevertheless attended with such Disadvantages as to overbalance the good Consequences expected from it, and therefore that it may be simplified to Advantage.

That they entirely agree with the General that Niagara cannot be carried without commanding the Lakes Erie and Ontario, particularly the latter. But they must at the same Time observe that this Post is of such Importance to the United States as to render it proper to do every thing which is practicable to acquire the Possession of it.

That therefore it is in the Opinion of the Committee proper to direct the General to cause every previous Preparation to be made with all convenient Speed for the Subjection of that Fortress and also to carry on such farther Operations to the Northward as Time and Circumstances shall point out hereafter.

That they are of Opinion that the Questions whether any and what Force can and will be sent for the Emancipation of Quebec by his most Christian Majesty must depend upon Circumstances and Situations, which cannot at present be known on this Side the Atlantic. But they conceive it will be in his Power to operate with Effect for that Purpose, and as well from the Importance of the Object as from his former Exertions in Favor of these States, they doubt not but that in such Case, he will readily afford his Assistance.

That they are therefore of Opinion that the General should be directed to write to the Marquis de la Fayette upon that Subject, and also to write to the Minister of these States very fully, to the End that eventual Measures may be taken in case an Armament should be sent from France to Quebec to cooperate therewith to the utmost

Degree which the Finances and Resources of these States will admit.

Dec^{r}. 5, 1778.

Resolved that Congress agree to the report of the committee.

Extract from the minutes.

C. T.[1]

A letter, of 4, from Silas Deane, Esq. was read:

Ordered, That Monday evening be assigned for hearing Mr. Deane, and that he be notified to attend.

A letter, of 21 August, from Hon. J. Adams, at Passy, was read.

A letter, of 3, from Governor Livingston, ||of New Jersey,|| was read,[2] covering a letter from the Dutch Synod of New York and New Jersey to the Classis of Amsterdam, which the said Synod desire leave to send forward:

Ordered, That the letter from the Synod of New York and New Jersey be forwarded by the Committee for Foreign Affairs.

The committee to whom was referred the memorial of the regimental surgeons and assistants, brought in a report, which was read, and after debate,

Ordered, That it be committed to the Medical Committee, who are directed to take into consideration the case of the hospital as well as regimental surgeons, and report thereon.

A report from the Board of War was read; Whereupon,

Resolved, That the plan for raising the corps to be called the German Volunteers, be for the present laid aside:[3]

That Captains Führer and Kleinsmit be informed,

[1] This final paragraph is in the writing of Charles Thomson. The report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, VI, folio 265.

[2] This letter is in the *Papers of the Continental Congress*, No. 68, folio 433.

[3] The original report here added: "That Lieutenant Colonel Klein, commandant thereof, be ordered to do duty as lieutenant colonel in General Pulaski's Legion." In the margin is written by Laurens: "Postponed, 5 December."

That it is inexpedient to employ them at this time, agreeably to the intention of Congress, expressed in their former resolution on this subject:

That they settle their accounts with the auditors at Philadelphia, and be allowed a month's pay and subsistence each beyond what is now due them, in consideration of any extraordinary expence they may have incurred in equipping themselves as intended officers of the corps of German Volunteers.[1]

The Board of War being applied to by Captain Medici, of the North Carolina dragoons, for directions for his future government, beg leave to state the case of the said troops;

"That, from an impracticability to provide for them, they have been hitherto unemployed in the field, except about forty, who were lately compleatly fitted out and sent to Brigadier M'Intosh under Captain Ashe, in expectation that the men whose times of service were near expiring, would agree to stay two months beyond their time; but on or soon after their arrival at Fort Pitt, their times being expired, all but 14 quitted the service and went home: that

[1] This report, dated October 20 and prepared by Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 339. It was accompanied by the following letter:

"Sir: The late conduct of M^{r} Juliat and the character of the above mentioned Mess^{rs} Führer and Kleinschmitt induce an opinion that it will be impolitic to trust them or to put the public to the expense of raising the Corps. Therefore the above resolutions are submitted to Congress for their approbation. Lt. Col. Klein is not under the like circumstances with the other Gentlemen. He is a very worthy man, and from all accounts a good Officer. He wishes to preserve his present appointment that if a Corps of the kind, when circumstances alter so as to render it proper, should be raised, he may command it, and in the mean time he will do the duty of Lt. Col. in Pulaski's legion in the room of Baron Bosse who was killed in the late engagement in New Jersey. I have the honor to be with the greatest respect y^{r} very obed^{t} Serv^{t} Richard Peters."

A petition from Carl Friedrich Führer, Carl Wilhelm Kleinschmit, J. W. Lüdemann and Peter Caspar Freylinghauss, dated November 19, is in No. 43, folio 89. It is endorsed by Laurens as read on the 19th.

Captain Medici having been sent about eighteen months ago to Carolina, to purchase horses, sent on a few in June last; that being directed to come to Philadelphia, and settle his accounts, he is arrived, and informs, that by order of Colonel Bland he recruited 30 men for the term of three years, or during the war, and gave them orders to meet him at Halifax the beginning of this month: that he has eleven men at Philadelphia: that the whole of the said men are unprovided with cloathing and accoutrements, except some may have been provided at Halifax by order of Captain Medici, and have but few horses:

That, from their not being annexed to any corps, they cannot, in the opinion of the Board, be of much utility to the states, unless they can be employed to the southward under General Lincoln, and then much expense will accrue in fitting them for the field:" Whereupon,

Resolved, That as the United States have no farther occasion for the service of the troops of light dragoons raised by, and when taken in continental pay, in the particular service of the State of North Carolina, the said troops be paid up to the first day of January, and that after that day, they be no longer considered in the pay of the Continent; and that they be returned to the government of the said State, to be retained in the pay thereof or discharged as they shall deem proper.

Ordered, That the Board of War settle and pay the accounts of the said dragoons.

Ordered, That the Board of War supply the said troops with such cloathing as may be due to them.[1]

Congress was resolved into a committee of the whole, and after some time, the president resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the com-

[1] This report, dated November 24, is in the *Papers of the Continental Congress*, No. 147, II, folio 385. The members present: Sherman, Peters, and Lee.

mittee have had under consideration the propositions to them referred, but, not having come to a conclusion, desire leave to sit again:

Resolved, That to morrow ||on Monday,|| at one o'clock, Congress be resolved into a committee of the whole, to consider farther the resolutions referred to them.

The determination of the motion, which was yesterday postponed by a State, was called for, and,

The yeas and nays being required on the question by Mr. [William Henry] Drayton,

New Hampshire,		
Mr. Whipple,	no	div.
Frost,	ay	
Massachusetts Bay,		
Mr. S. Adams,	no	no
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Collins,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Ellsworth,	ay	
New York,		
Mr. Duane,	ay	ay
Lewis,	ay	
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	ay	*
Fell, *excused not having*		
Pennsylvania,		
Mr. Searle,	ay	ay
Maryland,		
Mr. Carmichael,	no	div.
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	*
M. Smith,	no	
North Carolina,		
Mr. Penn,	ay	ay
Harnett,	no	
Williams,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Georgia,		
Mr. Langworthy,	no	no

So it was resolved,

That the sentence of the general court martial upon Major General Lee, be carried into execution.

Ordered, That the resolution of Congress on the proceedings of the courts martial on the trials of Major General Schuyler and Major General Lee, be published.

A letter from his Excellency J. Reed, president of Pensylvania, was read:

Ordered, That it be referred to the Board of War, and that the Board take order on such part thereof as relates to the guards for the convention troops, and report on the remainder.

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 7, 1778

Mr. Jay, a delegate from the State of New York, attended and produced credentials of his appointment, which were read, as follows:

The people of the state of New York, by the grace of God free and independent, to all to whom these presents shall come, send greeting:

Whereas our senate and assembly of our said state, did, by their concurrent resolutions of the 21st day of October last, declare, that a special occasion did then exist in which the chancellor and judges of the supreme court might be elected delegates to the general Congress, and that of the chancellor and judges, one should be elected a delegate on such special occasion; and also by concurrent resolutions of the 4th day of this instant, month of November, did resolve to proceed severally to nominate, in the mode prescribed in and by the 30th article of the constitution of this state, of the chancellor and judges of the supreme court, one as a delegate to represent this our state in the Congress of the United States of America, on such special occasion, to continue in office until the 1st day of March next, and did thereupon proceed to the said nomination, and did nominate and appoint, in the mode prescribed by the said article, John Jay, esq. our chief justice of our supreme court of judicature, a delegate to represent this our state in the Congress of the United States of America on the present special occasion: now, therefore, know ye, that in pursuance of such nomination and appointment, we do, by these presents, commissionate the said John Jay, esq. a delegate to represent this our state in the Congress of the United States of America, on the present special occasion; and do hereby authorize him to hold and exercise all the powers and authorities to the office or place of delegate belonging, by virtue of the said constitution and the nomination and appointment

aforesaid; to have and to hold the said office or place of delegate upon the present special occasion, unto the said John Jay, esq. for and during and until the first day of March next, and no longer. In testimony whereof, we have caused these our letters to be made patent, and the great seal of this our state to be hereunto affixed. Witness, our trusty and well beloved George Clinton, esq. our governor of our said state of New York, general and commander in chief of all our militia, and admiral of the navy of the same, this 10th day of November, in the third year of our independence, and in the year of our Lord one thousand seven hundred and seventy eight.

Signed, GEORGE CLINTON.

With the great seal appendant and endorsed:

Passed the secretary's office by the special command, in writing, of his excellency the governor, this 15th of November, 1778.

JOHN MORIN SCOTT, *Secretary of the State.*[1]

The President informed Congress, that, on Saturday last, he received two letters from the Hon. R. Izard: that, like the former, these letters contain matters of public and private nature; but, as the house have determined not to receive extracts of letters, he submitted them entire to Congress, being persuaded that it is Mr. Izard's desire that all public matters should be communicated to them:

Ordered, That the letters be read.

The letters were read, viz.

One 25 July, and the other September 12, 1778, both dated at Paris, enclosing No. 1, copy of a letter from the Abbé Niccoli to Mr. Izard, dated 28 July, 1778; No. 2, Mr. Izard's answer, Paris, 1 September, 1778; No. 3, Mr. Izard's letter to the plenipotentiaries at the court of France, Paris, 25 August; No. 4, the plenipotentiaries' answer, 25 and 27 August; No. 5, a copy of Mr. Izard's letter to Count de Vergennes, September 2, 1778.

A letter from Hon. Sieur Gérard, minister of France, was read:

Ordered, That it be referred to a committee of five:

[1] The original is in the *Papers of the Continental Congress*, New York, *Credentials of Delegates.*

The members chosen, Mr. [William Henry] Drayton, Mr. S[amuel] Adams, Mr. G[ouverneur] Morris, Mr. [William] Paca, and Mr. [John] Jay.

A memorial from Hon. Sieur Gérard was read, desiring to know the opinion of Congress respecting his offering a premium to owners of privateers that shall intercept masts and spars belonging to the enemy, coming from Halifax to New York or Rhode Island:

Ordered, That it be referred to the Marine Committee.

A letter, of 25 July last, from the Hon. R. Izard, at Paris, and

One of 20 August, from John Bonfield, at Bordeaux, and

One of 14 August last, from Hon^{ble} J. Adams, at Paris; were laid before Congress by the Committee for Foreign Affairs, and read.

A letter, of 6, from Lieutenant Colonel Fleury, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 23 November, from Major General Schuyler, was read:

Ordered, That a copy thereof be sent to General Washington.

A letter, of 4, from General Washington, was read:[1]

Ordered, That it be referred to the Board of War.

A petition of Frederick Verner, was read:[2]

Ordered, That it be referred to the Board of War.

A letter, of 6 November, from Governor Clinton, of New York; one of 4 instant, from Major General Lord Stirling; and one of 5, from Robert H. Harrison, were read.[3]

[1] Schuyler's letter is in the *Papers of the Continental Congress*, No. 153, III, folio 392; that of Washington, in No. 152, VI, folio 589.

[2] This petition, dated December 7, is in No. 42, VII, folio 33.

[3] The letter of Governor Clinton is in the *Papers of the Continental Congress*, No. 67, II, folio 138; that of Stirling, in No. 162, folio 559; and that of Harrison, in No. 152, VI, folio 593.

Ordered, That the Board of War furnish his excellency the president of the State of Pensylvania with an abstract of the last general return of the army, so far as regards the troops of that State.

On motion, *Resolved*, That the Hon. W. A. Atlee, be summoned to attend in Congress at half after six o'clock this evening, to give testimony relative to the charge against Brigadier W. Thompson.

Ordered, That Brigadier W. Thompson attend Congress on Monday the 21st instant.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the Treasurer in favour of Captain Baldesqui, pay master to Brigadier Count Pulaski's legion, for ten thousand dollars, to enable him to discharge sundry accounts due from the said corps; Brigadier Count Pulaski to be accountable:[1]

That a warrant issue on the treasurer in favour of Mr. [Roger] Sherman, one of the delegates of Connecticut, for one thousand dollars; for which the said State is to be accountable:

That a warrant issue on the treasurer in favour of Mr. Edward Langworthy, one of the delegates of the State of Georgia, for one thousand five hundred dollars; for which the said State is to be accountable:[2]

That, upon the application of the Board of War and Ordnance, a warrant issue on the treasurer in favour of Joshua Mersereau, commissary of prisoners in the State of Massachusetts Bay, for four thousand dollars, to be charged to Elias Boudinot, Esq. late commissary general of prisoners, agreeable to his letter of 28 November last:

[1]This report, dated December 1, is in the *Papers of the Continental Congress*, No. 136, II, folio 739. The members present were James Duane, Oliver Ellsworth and Richard Hutson.

[2]This report, dated December 4, is in the *Papers of the Continental Congress*, No. 136, II, folio 745.

That, upon application from the Board of War and Ordnance, another warrant issue on the treasurer in favour of the said Joshua Mersereau, for 1697 40/90 dollars, to be charged to John Beatty, Esq. commissary general of prisoners, agreeably to his letter of the 4 instant.

That a manager of the United States Lottery be appointed.[1]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Edward Fox, for his pay as clerk to the Board of Treasury, from 18 May to 17 November, 1778, inclusive, and for sundry expences and contingencies, 756 dollars:

That there is due to G. Reinhold, for blank books for the use of Congress, 44 45/90 dollars:[2]

Ordered, That the said accounts be paid.

An appeal from the judgment of a court of admiralty for the State of New Jersey, on the libel "Griffin *against* the sloop *George*," was lodged with the secretary and referred to the Committee on Appeals.

SIX O'CLOCK, P. M.

Col. Grayson is nominated by Mr. G[ouverneur] Morris as one of the commissioners of the Board of War, in the room of Colonel Harrison, who has declined acting.

According to order, Hon. W. A. Atlee attended, and being sworn and having given his evidence respecting the charge against Brigadier Thompson, was ordered to withdraw, and accordingly withdrew.[3]

Resolved, That Silas Deane, Esq. report to Congress, in writing, as soon as may be, his agency of their affairs in

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 747.

[2] These two items formed part of the report of November 25, noted under November 28, *ante*.

[3] Thomson's notes of his testimony are in the *Papers of the Continental Congress*, No. 159, folio 304.

Europe, together with any intelligence respecting their foreign affairs which he may judge proper:

That Mr. Deane be informed, that if he hath any thing to communicate to Congress in the interim, of immediate importance, he shall be heard to morrow evening, at six o'clock.

Mr. Deane, attending, was called in, and the foregoing resolutions were read to him.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 8, 1778

A letter, of this day, from the Board of War, was read:[1]

Ordered, That it be referred to a committee of three: The members chosen, Mr. [William] Ellery, Mr. [John] Fell, and Mr. [James] Searle.

A letter, of 28 November, from Governor Henry, of Virginia, was read:

Ordered, That it be referred to the Marine Committee.

A letter, from Colonel Armand, Marquis de la Rouerie, was read, enclosing sundry letters and testimonials in his favour:

Ordered, That the same be referred to the Board of War.

A letter, of 19 November, from Mr. President M. Weare, of New Hampshire, was read, in favour of John Temple, Esq.[2]

Ordered, To lie on the table.

Resolved, That Colonel Grayson be, and he is appointed one of the commissioners of the Board of War, in the room of Lieutenant Colonel R. H. Harrison.

[1] This letter, prepared by Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 399.

[2] Henry's letter is in the *Papers of the Continental Congress*, No. 71, I, folio 201; that of La Rouerie, in No. 164, folio 384; and that of Weare, in No. 64, folio 66.

Mr. Thomas Lawrence being recommended by the Committee on the Treasury to be a manager of the United States' lottery,

Resolved, That Mr. Thomas Lawrence be, and he is appointed one of the managers of the United States' lottery.

The committee to whom were referred the memorial of sundry merchants of Philadelphia, respecting goods taken under the authority of Congress, for the public service, immediately after the evacuation of that city by the enemy, and other papers relative to the said goods, brought in a report, which was read.

An account of Edward M'Fedging, was read:

Ordered, That it be referred to the auditors of accounts at the Board of Treasury.

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again.

Resolved, That to morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 9, 1778

Congress being met, the President took the chair, but before any business was entered on he arose, and having assigned sundry reasons why he could not continue longer to execute the office of President, he resigned, and immediately quitted the chair: Whereupon,

Ordered, That to morrow be assigned for the election of a President.

Adjourned to 10 o'Clock to Morrow.

GENTLEMEN: Ever jealous for the Dignity of Congress, and prompted by a sense of Duty, I had the honor on Monday of laying before the House informations which I had received from Citizens of respectable characters, that a certain Letter, signed S. Deane, and addressed to the Citizens of America at large, published in the Pennsylvania Packet of Saturday the 5th inst., which I presumed every Member had read, had created anxieties in the minds of the good People of this City, and excited tumults amongst them—that having received such Information, I had carefully perused the Letter, and found it to contain articles highly derogatory to the honor and interests of these United States.

That I could not be suspected of having prejudices, or of being engaged in any intrigue or Cabal against Mr. Deane, since, I could declare upon my honor that no Gentleman on the floor knew so much of my sentiments respecting Mr. Deane's public character as I had communicated to that Gentleman himself—that seeing Mr. Deane had made his appeal to the People and had intimated a design of giving them a course of Letters, it was evident he did not mean to depart from America so suddenly as he had lately declared to this House.

That from these considerations I held it dishonorable to Congress to hear him the following evening, and thereupon I humbly moved the House to appoint a Committee of three, to consider and report specially upon the contents of the letter above mentioned—that in the mean time Mr. Deane be informed that Congress will give him further notice when they desire to hear him in the House.

This motion was seconded by many voices—an amendment was offered by an honorable Gentleman—'that the printed Letter be read,' which being put to question, passed in the negative by a majority of one State.

I then renewed my motion, founded upon common fame and my own certain knowledge of facts—this was over ruled by calling for the Order of the Day, for which a single voice, you know Gentlemen, is sufficient, and from that time the motion has remained neglected.

I feel upon this occasion, not for any disappointment to myself, but for the honor and dignity of this House, the great Representative of an infant Empire, upon whose conduct the Eyes of Europe are fixed.

I have, from the moment in which my motion was quashed, seriously and almost constantly reflected on the above recited circumstances, and have again attentively considered Mr. Deane's Address to the People.

I see no cause to regret my conduct on Monday, and I am confirmed in my opinion that the Address contains groundless and unwarrantable insinuations and intimations respecting the conduct of this House.

Mr. Deane has never offered to this House a narrative in writing of his proceedings in France in his character of Commercial and Political Agent, nor hath he, even to this day produced proper Accounts and Vouchers of his Expenditure of Public Money.

He was notified on the 3d inst. by your President, that Congress had resolved to take into consideration, as on that evening, the state of their foreign affairs; and that such branches as he had been particularly concerned in, would, in due time, become subjects of their deliberation. In a Letter of the 4th 'he thanked Congress for that intimation.'

In the same letter he informed them 'that he had prepared to leave this City, and had made his arrangements accordingly, which it would not be in his power to dispense with for any time,' and yet on the 5th he published an Address to the free and virtuous Citizens of America, in which he complains that the Ears of their Representatives had been shut against him, and tacitly promises them a course of Letters.

He informs the Public that he had been sacrificed for the aggrandizement of others.

He charges one of your Commissioners with such improper conduct in his public character as amounts, in my Ideas, to high Crimes.

He avers that the same Commissioner had been suspected by their best friends abroad, and those in important Characters and stations, although he had given Congress no such information in writing, which he ought to have done, even long before he commenced his Voyage from France. He insinuated that the same Commissioner had been improperly forced upon him.

He sets up a charge against another of your Commissioners for a species of peculation and other malversation of conduct, which, if true, it was his duty long ago to have exhibited to Congress.

He arraigns the justice and the wisdom of Congress.

He charges and questions the conduct of an honorable Member of this House, out of the House, and holds him up to the Public in a criminal light, which ought not to have been done before he had lodged a complaint in Congress, and had failed of their attention. His publication is a sacrifice of the Peace and good Order of these States to personal resentment: and so far as it regards Congress, it is groundless and unwarrantable; wherefore, be the remainder false or true, it is, in my humble opinion, a pernicious and unprovoked Libel, affrontive to the Majesty of the People.

I am neither a Volunteer advocate for the private Characters stricturized in Mr. Deane's paper, nor an Enemy to Mr. Deane. In a word, I view the performance in question as an Act unbecoming the character of a Public servant—altogether unnecessary, and tending to excite fears and jealousies in the minds of those free and virtuous Citizens of America, to whom Mr. Deane has addressed himself, and also to draw the conduct of Congress into suspicion and contempt—and I still hold my opinion that it was the duty of this House to take the Address into consideration before they admitted the Author to a further hearing.

Nevertheless Congress were pleased to adhere to a Resolve passed on Saturday subsequently to the open appearance of that unnecessary and insulting publication, for hearing him in writing, contrary to a Resolution of the fifteenth day of August last, which was obtained at that time after much debate by the reasonings and Votes of Gentlemen who had interested themselves strongly in his favor, and from motives assigned which cannot be effaced from the remembrance of those Gentlemen who were then present—and *time* is now given to Mr. Deane for preparing a detail of his transactions, which, if I understand any thing of Public business ought to have been completed and ready for presentation before he landed on the American Shore.

I feel my own honor, and much more forcibly the honor of the Public deeply wounded by Mr. Deane's address,* and I am persuaded that it will hold out such encouragement to our Enemies to continue their persecution, as will, in its consequences, be more detrimental to our Cause than the loss of a Battle. Mr. Deane has not contented himself with the scope of Dunlap's Newspaper, he has caused his address to be printed in a thousand Hand Bills—these will afford a sufficient number for penetrating the remotest part of our Union, and enough for the service of our Enemies.*[1]

[1] The words from * to the end of that paragraph * were intended, but omitted thro' accident in his address to Congress, delivered from the Chair.

I know that *what I am about to do* will give a transient pleasure to our Enemies, knowledge derived from a circumstance which induced me to continue in this Chair after the 31st day of October last, more strongly induced me than that unanimous request of this House, which I was then honored with. There are Gentlemen upon this floor who are well acquainted with the circumstance alluded to—but Gentlemen, their satisfaction will indeed be transitory, for I here again solemnly declare, *and they will soon learn it*, that I am determined to continue a faithful and diligent laborer in the Cause of my Country, and at the hazard of Life, fortune and domestic happiness, to contribute, by every means in my power to the perfect establishment of our Independence.

I shall have less cause to regret the carrying my intended purpose into effect, foreseeing that you may immediately fill with advantage, the vacancy which will presently happen.

I shall hold myself particularly answerable to my constituents for my present conduct, and in general to all my fellow Citizens throughout these States, when properly questioned.

Finally, gentleman, from the considerations above mentioned, as I cannot consistently with my own honor, nor with utility to my country, considering the manner in which Business is transacted here, remain any longer in this chair, I now resign it.

HENRY LAURENS.[1]

THURSDAY, DECEMBER 10, 1778

According to order, the house proceeded to the election of a President, and the ballots being taken, the Hon. John Jay, Esq. was elected.

A letter, of 3, from Brigadier Count Pulaski, was read:

Ordered, That so much thereof as relates to the settlement of his accounts, be referred to the auditors of accounts, at the treasury; and that the remainder be referred to the Board of War.

[1]This speech was first printed in the *Pennsylvania Magazine of History and Biography*, July 1889, from a copy found among the papers of Bishop John Ettwein, of Bethlehem, Penn. A contemporary copy, in the writing of Moses Young, is in the *Hamilton Papers*, in the Library of Congress.

A letter from J. Connolly was laid before Congress:[1]

Ordered, That it be referred to the Board of War.

A memorial from Captain Jacobus Wynkoop, commander of the vessels on the lakes, was read:[2]

Ordered, That it be referred to the Marine Committee.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Board of War and Ordnance, for fifty thousand dollars, being advanced on their application to Congress, of the 24th ult. for which they are to be accountable:

That a warrant issue on the treasurer in favour of the Marine Committee, for ten thousand dollars, to enable them to pay a bill drawn on them by the navy board of the eastern district, in favour of John Langdon, Esq. dated 31 October last, for the above sum; for which the said Committee is to be accountable:

That a warrant issue on John Lawrence, Esq. commissioner of the continental loan office in the State of Connecticut, for twelve hundred and twenty five dollars, in favour of James Stevenson, Esq. commissioner of accounts in the eastern district, being for his pay to the 4 January next:

That a warrant issue on John Lawrence, Esq. commissioner of the continental loan office in the State of Connecticut, for seventeen hundred and thirty eight dollars, in favour of Samuel Downe, Esq. commissioner of accounts in the eastern district, being for his pay to the 4 January next:

That a warrant issue on John Lawrence, Esq. commissioner of the continental loan office in the State of

[1] The letter of Pulaski is in the *Papers of the Continental Congress*, No. 164, folio 76; that of Connolly is in No. 78, V, folio 279.

[2] This memorial, dated September 29, is in the *Papers of the Continental Congress*, No. 41, X, folio 355. The report on the memorial was adopted May 4, 1779.

Connecticut, for sixteen hundred and seventy dollars, in favour of Moses Emerson, Esq. commissioner of accounts in the eastern district, for his pay to the 4 January next:[1]

That a warrant issue on the treasurer in favour of Lieutenant Colonel Fleury, for one thousand and eighty three dollars, in full of his pay before he joined the army, and all other charges made in the accounts exhibited by him:[2]

That a warrant issue on the treasurer in favour of Mr. Roger Sherman, one of the delegates of the State of Connecticut, for one hundred and sixty six 60/90 dollars; for which the said State is to be accountable.

Resolved, That the 12 months' pay allowed to supernumerary officers of the army, by a resolution of Congress of the 24 November last, be made up in the pay rolls of the regimental pay masters, and drawn from them by the said officers respectively.[3]

In consequence of an adjustment by the commissioners of claims at the treasury, the auditor general reports,

That there is due to Lieutenant Ephraim Pennington's company of militia raised at Yorktown, Pensylvania, for guarding the public offices to Philadelphia, &c. their pay for part of June, July, and August, 1778, with subsistence for the officers, six hundred and thirty seven dollars:

That there is due to Paul Fooks, his pay as interpreter of languages, from 2 June to 1 December, 1778, inclusive, six hundred dollars:

That there is due to John Fulton, for thirty one thousand two hundred and fifty sheets of paper, for loan

[1] This report, dated December 2, is in the *Papers of the Continental Congress*, No. 136, II, folio 741.

[2] This report, dated December 9, is in the *Papers of the Continental Congress*, No. 136, II, folio 751.

[3] This report, dated December 8, is in the *Papers of the Continental Congress*, No. 136, II, folio 749.

office certificates, three thousand one hundred and sixty two 30/90 dollars:

That there is due to Peter Schentz, for freight of provisions and necessaries from Monmouth county, in New Jersey, to New York, for the use of American prisoners there, between April, 1777, and July, 1778, three hundred and twenty one 33/90 dollars:

That there is due to Captain Isaac Craig, for his subsistence when attending the laboratory at Carlisle, by order of Brigadier Knox, from the 1st March to the 13 July, 1778, four hundred and eight dollars:

That there is due to Captain Francis Proctor, for subsistence on the same command, from the first of March, to the 14 June, 1778, three hundred and fifteen dollars:

That there is due to Benjamin Towne, for printing 3000 copies of an address to the inhabitants of the United States, dated December 10, 1776, thirty two dollars:

That there is due to Edward M'Fedging, his pay as a private in Colonel Richardson's battalion of Maryland flying camp, from the 2 August, 1776, to the 19 May, 1777, a great part of which time he was prisoner with the enemy, sixty four 40/90 dollars:[1]

Ordered, That the said accounts be paid.

A report from the Board of War was read; Whereupon,

At a Board of War, *9th December, 1778.*

Present, M[r] Sherman, M[r] F. L. Lee, M[r] Peters.

Major Rogers having been Aid de Camp to General du Coudray, and having come from France with that Gentleman, with intention to serve in his family as one of the Officers included in the contract with him; it is conceived that a distinction is to be made with regard to Major Rogers, and that he should not be deemed an object of the resolve of Congress forbidding the further grant of brevets, especially

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 753.

as he intends to return to France where an honorable certificate of his services will be of use to him. The Board therefore beg leave to report:

Resolved, That Major Nicholas Rogers who came from France with Mons. du Coudray, has served as Aid de Camp to Major General de Kalb, and has obtained honorable testimonies of his conduct, but from the situation of his private affairs is obliged to leave the army; be promoted to the rank of Lieutenant Colonel by brevet, as a reward for his services.

The Count Kolkouski is recommended as a good officer by M^r^. Deane and D^r^. Franklin, and has obtained an honorable testimony from, and the request of Gen^l^. Pulaski (under whom he served in Poland in quality of Lieu^t^. Colonel) that he should serve in his legion. Under those circumstances, the Board further report,

That Count Kolkouski have the rank of Captain in General Pulaski's legion, with the pay of a Lieutenant; in which latter capacity he is willing to do duty in the corps.

~~Lieutenant Colonel Klein, who is an old officer, and has seen much foreign service, is by the dissolution of the corps of German Volunteers, at present, without a command. Therefore the board beg leave to report:~~

~~That Lieutenant Colonel Klein, commandant of the late corps of German Volunteers, be directed to do the duty of lieutenant colonel in General Pulaski's Legion, until the farther orders of Congress:~~

Resolved, That M^r^ Charles Frederick Bedaulx be appointed Lieut. Colonel of the Legion commanded by General Pulaski, ~~instead of Major Count Mountfort, resigned,~~ agreeable to the recommendation of Count Pulaski.[1]

The Marine Committee to whom was referred a memorial from the Sieur Gérard, Minister of France, dated the 6 instant, brought in a report; Whereupon,

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 403.

Resolved, That the President be directed to inform the Minister of France, that Congress highly approve his wise attention to the depriving the common enemy of the naval stores they stand in need of, by giving a premium to privateers for the purposes mentioned in his memorial.

Resolved, That such continental vessels of war as shall capture any of the enemy's vessels, laded with masts or any other naval stores, bound from any part of Nova Scotia, to Rhode Island or New York, shall be entitled to the whole of the capture.

SIX O'CLOCK, P. M.

There not being a sufficient number of states to proceed to business,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, DECEMBER 11, 1778

A letter, of 27 November, from Marquis de la Fayette, in favour of the Chevalier de Fontevieux; another of the same, in favour of Mons. des Inars; and a third of the same date, in favour of the Chevalier de Treusson, were read:[1]

Ordered, That they be referred to the Board of War.

Resolved, That two members be added to the committee on the memorial from Lieutenant Colonel Oswald:

The members chosen, Mr. [James] Duane and Mr. M[eriwether] Smith.

The Board of War reported a new form of a commission to officers in the army of the United States, which was agreed to as follows:

[1]The three letters of Lafayette are in the *Papers of the Continental Congress*, No. 156, folios 65–73.

THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

To

We, reposing special trust and confidence in your patriotism, valour, conduct and fidelity, do, by these presents, constitute and appoint you to be in the army of the United States; you are therefore carefully and diligently to discharge the duty of by doing and performing all manner of things thereunto belonging. And we do strictly charge and require all officers and soldiers under your command to be obedient to your orders as ; and you are to observe and follow such orders and directions, from time to time, as you shall receive from this or a future Congress of the United States, or a committee of Congress for that purpose appointed, or a committee of the states, or commander in chief for the time being of the army of the United States, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust reposed in you. This commission to continue in force until revoked by this or a future Congress, the committee of Congress before mentioned, or a committee of the states.

Dated at the day of 17 ; and in the year of our independence.

Witness *President of Congress.*

Entered in the war office.

A report from the Board of War, to whom was referred a memorial from Colonel Swoope, was read; Whereupon,

Resolved, That the memorial of Colonel Swoope, relative to his demand for payment of moneys due for a number of arms taken by the enemy from the men of his regiment at Fort Washington, be referred to the Board of Treasury.[1]

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again:

[1] This report, dated December 5, is in the *Papers of the Continental Congress*, No. 147, II, folio 395. The members present: Sherman, Peters and Lee.

Resolved, That to morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Resolved, That a committee of three be appointed to report a proper allowance for the honorable gentlemen who have been or may be elected presidents of Congress, to defray the expences incidental to the office:

The members chosen, Mr. [Elbridge] Gerry, Mr. [James] Duane, and Mr. [William Henry] Drayton.

The Board of War laid on the table sundry reports.

At a Board of War, *11th December, 1778.*

Present, M^r. Sherman, M^r. Peters, M^r. Lee.

The Board having considered the memorial of Captains Mott and Walker appealing from a determination of a Board of General Officers appointed to settle their rank, Agreed to report to Congress: That the Memorial of Captains Mott and Walker of Col. Lamb's regiment of artillery be referred to General Washington, who is desired to take such measures thereon as to him shall seem just and proper.[1]

Six o'Clock, p. m.

There not being a sufficient number of states to proceed to business,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 12, 1778

A letter, of 11 November, from W. Bingham, Esq. at Martinique, was read, enclosing a copy of a letter from him to Governor Burt, and the governor's answer, relative to the exchange of prisoners:

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [William] Paca, Mr. [William] Ellery and Mr. G[ouverneur] Morris.

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 407.

A letter, of 11 September, from Hon. John Adams, || at Passy,|| was read:

Ordered, That it be referred to the Committee on Foreign Affairs.

A letter, of 11th, from Christopher Hele, was read; Whereupon,

Resolved, That Lieutenant Hele be released from his confinement in the new gaol, and that the Marine Committee be directed to take his parole in the usual form, to continue in the city of Philadelphia.

A letter, of 7, from General Washington, was read:[1]

A petition and representation of Robert Hardie; a petition of Elizabeth Wright; a petition of Mary Werts; and a memorial of the Rev. Adam Boyd; were read:

Ordered, That they be referred to the Board of Treasury.

A memorial of Margaret Yorke, and a memorial of Captain Cad. Jones, were read:[2]

Ordered, That they be referred to the Board of War.

A petition of John Gallard was read:

Ordered, That it be referred to the Marine Committee.

The committee appointed to report a proper allowance for the honorable gentlemen who have been or may be elected presidents of Congress, brought in a report, which was read.

The committee to whom was re-committed the report of the committee on the memorials of Marquis de Britigny, and Baron Thuliers, brought in a report:

Ordered, That Monday next be assigned for taking the same into consideration.

[1] Hele's letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 371; that of Washington, in No. 152, VI, folio 597.

[2] The memorial, dated November 23, is in the *Papers of the Continental Congress*, No. 41, X, folio 707.

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the propositions referred to them, and thereupon come to sundry resolutions, which he is ready to report, when the house will receive them.

Ordered, That the report be now received.

The report being read:

Ordered, That the same be taken into consideration on Monday next, at one o'clock.[1]

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 14, 1778

Mr. E. [Thomas] Burke and Mr. Whitmill Hill, two delegates from North Carolina, attended and took their seats.

A letter, of 4, from Count Pulaski, was read.

Ordered, That it be referred to the Board of War.

A letter, of 29 November, from Brigadier Varnum, was read, requesting leave to resign:[2]

Ordered, That it be referred to the Board of War.

A letter, of 8, from Samuel Curson, was read, praying for a settlement of his account and discharge of the debt due to him ||by the United States.||

Ordered, That it be referred to the Commercial Committee, and that they settle Mr. Curson's accounts, and report the balance due thereon.

[1] A memorial from the artificers under the command of Captain Matthias Sadler, dated November 28, was read on this day. It is in the *Papers of the Continental Congress*, No. 41, I, folio 25.

[2] The letter of Pulaski is in the *Papers of the Continental Congress*, No. 164, folio 80; that of Varnum is in No. 78, XXIII, folio 153.

A memorial from Hon. Sieur Gérard, minister plenipotentiary of France, enclosing a declaration, was laid before Congress:

Ordered, That the declaration be translated and delivered to the Marine Committee, and that they take order thereon.

A paper of information, signed Edward Leger, and dated December 14, 1778, was read; Whereupon,

Ordered, That a committee of three be appointed to confer with his excellency the president of the State of Pensylvania, and to take proper measures for detecting and securing persons of suspicious characters in Philadelphia:

The members chosen, Mr. [Thomas] M'Kean, Mr. [William Henry] Drayton, and Mr. [James] Duane.

Ordered, That the paper of information be referred to the foregoing committee.

A letter, of 14 November, from Governor Johnson, of Maryland, was read:[1]

Ordered, That it be referred to the Marine Committee.

A letter, of 5, from R[ichard] H[enry] Lee, Esq. was read, enclosing a letter of the 12 November, from W. Cabell, with sundry depositions relative to the purchase of tobacco by Mr. C[arter] Braxton and Mr. Gabriel Penn.

Resolved, That a new Committee of Commerce be appointed, to consist of five members:

That any three of the members be empowered to transact business:

That the said committee be empowered to employ clerks and book keepers, and that they take charge of all the books and papers of the Secret Committee, and the late

[1] The letter of Governor Johnson is in the *Papers of the Continental Congress*, No. 70, folio 301.

Committee of Commerce; and that they be empowered to call to account the said committees, and all other persons entrusted with public moneys for commercial purposes; and in general to conduct the commercial affairs of the United States:

The members chosen, Mr. [Henry] Laurens, Mr. M[eriwether] Smith, Mr. [Francis] Lewis, Mr. [James] Searle, and Mr. [John] Fell.

Ordered, That the letter from Mr. R[ichard] H[enry] Lee, and the papers accompanying it, be referred to the foregoing committee.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That there be advanced to Colonel Isaac Melcher, barrack master general, fifty thousand dollars, for the use of his department, and for which he is to be accountable:

That a warrant issue on the treasurer in favour of Jeremiah Wadsworth, Esq. commissary general of purchases, for two millions of dollars:

Another warrant in his favour on Thomas Harwood, Esq. commissioner of the continental loan office in the State of Maryland, for two hundred thousand dollars; and that another warrant issue in his favour on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pensylvania, for two hundred thousand dollars; all which sums, amounting to two million four hundred thousand dollars, are for the use of the said commissary general's department, and for which he is to be accountable:

That a warrant issue on the treasurer in favour of John Baynton, Esq. pay master in the western district, for fifty thousand dollars, for the use of his department, and for which he is to be accountable:

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Resolved, That ten million one hundred dollars, in bills of credit, be emitted under the direction of the Board of Treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 26 day of September last, and be numbered from the last number in each denomination progressively, and to consist of the following denominations,

45,455	bills of	60 dollars each,	2,727,300
45,455	do.	50	2,272,750
45,455	do.	40	1,818,200
45,455	do.	30	1,363,650
45,455	do.	20	909,100
45,455	do.	8	363,640
45,455	do.	7	318,185
45,455	do.	5	227,275
			10,000,100[1]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

~~That there is due to three companies of volunteers, raised in Bedford County, Pensylvania, for the defence of the frontiers, commanded by Captains Thomas Cluggage, Henry Black and John McDonald, their bounty and pay from their first enlistment to the 31 July, 1778, inclusive, two thousand five hundred and twenty six dollars and 68/90.~~[2]

That there is due to Captain Henry Antis, and Captain Stephen Chambers, for their own and Mr. Moffet's expences from Northumberland county, Pensylvania, to Philadelphia, and while detained in this city, having been sent on public service to the Board of War, one hundred and fifty three and 30/90 dollars:

[1] This report, dated December 12, is in the *Papers of the Continental Congress*, No. 136, II, folio 761.

[2] In the margin is written: "The warrant not drawn, because not mentioned to whom. See February 9, 1779."

That there is due to Andrew Paul, his pay as corporal in Captain James Willing's company at New Orleans, up to the 12 of December, 1778, and for his expences from New Orleans to Philadelphia, with despatches for Congress, four hundred and twenty six and 73/90 dollars:

That there is due to the Rev. Mr. Lotbinier, his pay and subsistence as chaplain to Colonel James Livingston's regiment, from 11 November, to 10 December, inclusive, 60 dollars:[1]

Ordered, That the said accounts be paid.

A motion being made for cloathes for the battalion of North Carolina forces, commanded by Colonel Hogan;

Ordered, That it be referred to the Board of War, and that they report specially thereon.

Adjourned to 6, and from thence to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 15, 1778

Mr. [Eliphalet] Dyer and Mr. [Jesse] Root, two delegates from Connecticut, attended, and produced the credentials of the delegates from that State, which were ||read as follows:||

STATE OF CONNECTICUT.

At a General Assembly of the Governor and Company of the State of Connecticut, holden at Hartford by Adjournment, on the twenty first Day of October, Anno Domini, 1778.

Resolved by this Assembly, that Roger Sherman, Titus Hosmer, Eliphalet Dyer, Samuel Huntington, Oliver Ellsworth, Andrew Adams, and Jesse Root, Esqrs. be, and they are hereby appointed Delegates to represent this State in the Congress of the United States of America, for the Year ensuing the first Monday of November next, not less than two of said Delegates to represent this State in Congress, and not more

[1] This report, dated December 12, is in the *Papers of the Continental Congress*, No. 136, II, folio 757.

than four to attend at a Time, on the Charge of this State; and the said Delegates are hereby invested with full Power and Authority to deliberate, Counsel, and Resolve upon all Matters that shall come before Congress, agreeable to the Articles of Confederation, or in the manner hitherto Used, until the same shall be compleatly settled, and to transmit Authentic Copies of their Resolutions, from Time to Time, to this Assembly: and the Delegates appointed last October, are hereby desired and Empowered to continue to Represent this State in Congress, until two or more of those now elected shall arrive and take their Seats there.

A true Copy of Record,

GEORGE WYLLYS, *Secretary*.[1]

~~Ordered, That the report of the auditor general for the payment of 2526 68/90 dollars for the bounty and pay of three volunteer companies, raised in Bedford County, be re considered and referred back to the Board of Treasury, in order that they may report to whom the same is to be paid.~~

A letter, of 30 November, from Jonathan Trumbull, Jun. Esq. was read, signifying his acceptance of the office of comptroller, provided his attendance can be dispensed with till some time in January:

Ordered, That it be referred to the Board of Treasury.

A petition from Mr. Samuel Inglis, and a memorial of Captain Sutton, were read:

Ordered, That they be referred to the Board of Treasury.

A letter, of 12, from John Millar, was read, enclosing a draught of Major General Robert Howe, in favour of Rawleigh Downman, for 1000 dollars:

Ordered, That it be referred to the Board of Treasury.

An affidavit of John Kennon, pay master of the 6th Virginia regiment, ||was read,|| respecting money lost:

Ordered, That it be referred to the Board of Treasury.

[1] The original is in the *Papers of the Continental Congress*, Connecticut, *Credentials of Delegates*.

A memorial of Lieutenant W[illiam] Calhone, was read:

Ordered, That it be referred to the Board of War.

A letter, of the 4th, from Governor Henry, of Virginia, to the delegates of that State, was by them laid before Congress, and read:[1]

Ordered, That it be referred to the Marine Committee.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Board of War and Ordnance, for six thousand three hundred dollars, to enable them to advance four thousand dollars to Colonel Hartley, for the use of his regiment, and two thousand three hundred dollars to Captain George Rice, who is building the barracks for the convention troops; the said Board to be accountable.[2]

On motion, *Resolved*, That the thanks of this Congress be given to the Hon. Henry Laurens, Esq. late President, for his conduct in the chair, and in the execution of public business.

SIX O'CLOCK, P. M.

There not being a sufficient number of States to proceed to business,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 16, 1778.

A memorial from the Minister of France, was read, respecting the purchase of ~~flour and~~ rice:

Ordered, That it be referred to the Marine Committee.

A letter, of 26 November, from Captain Stoddard, was read:

[1] Calhone's memorial is in the *Papers of the Continental Congress*, No. 41, II, folio 59; the letter of Henry, in No. 71, I, folio 205.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 765.

Ordered, That it be referred to the Marine Committee.

A letter, of this day, from Colonel Armand, was read:

Ordered, That it be referred to the Board of War.

A letter, of this day, from the Hon. H. Laurens, late President, was read, returning his most grateful thanks for the resolution of yesterday in his favour:

Ordered, That the resolution for returning thanks to the Hon. H. Laurens Esq. late President, together with his letter of this day, be published.

A memorial from Alexander M'Nutt and others, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Lovell, Mr. [William] Whipple, and Mr. [John] Witherspoon.

Ordered, That Mr. [Cornelius] Harnett have leave of absence.

That Mr. [John] Williams have leave of absence.

That Mr. [Roger] Sherman have leave of absence.

Congress took into consideration the report of the committee appointed to report a proper allowance for the honorable gentlemen who have been or may be elected presidents of Congress, to defray the expences incidental to the office: Whereupon,

Resolved, That the representatives of the Hon. Mr. [Peyton] Randolph, deceased, that the Hon. Mr. [Henry] Middleton, the Hon. Mr. [John] Hancock, and the Hon. Mr. [Henry] Laurens, formerly presidents of Congress, be requested to lay before the Board of Treasury accounts of their expenditures in support of their households while they respectively exercised the office of President, in order to their being adjusted and paid out of the public treasury.

Resolved, That a convenient furnished dwelling house be hired, and a table, carriage and servants provided, at

[1] This memorial, dated December 14, is in the *Papers of the Continental Congress*, No. 41, VI, folio 77.

the public expence, for the President of Congress for the time being:

That the Committee on the Treasury appoint and agree with a steward, who shall have the superintendance of the household of the President, and of the necessary expenditures, and be accountable for such monies as shall, from time to time, be advanced for the purpose aforesaid.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Hon. Mr. Cornelius Harnett, Esq. one of the delegates of the State of North Carolina, for two thousand dollars, advanced upon his application; for which the said State is to be accountable:

That a warrant issue on the treasurer in favour of the Hon. Mr. John Williams, Esq. one of the delegates of the State of North Carolina, for one thousand seven hundred dollars, advanced on his application; for which the said State is to be accountable.[2]

A letter, of this day, from sundry merchants and traders of the city of Philadelphia, was read;[3] Whereupon,

Ordered, That to morrow be assigned for taking into consideration the report of the committee respecting goods taken for the public service, immediately after the evacuation of that city.

Congress took into consideration the report of the committee of the whole; Whereupon,

1. *Resolved*, That the resolution ||heretofore passed,|| relative to raising ten millions of dollars by taxes, during the ensuing year, be re-considered, and that that sum be augmented to the sum of fifteen millions of dollars.

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 23, folio 353.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 769.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 423.

||*Resolved*,|| That it is necessary to take the following bills out of circulation, viz. the whole emissions of May 20, 1777, and April 11, 1778:

On the question to agree to this resolution,

The yeas and nays being required by Mr. [Thomas] Burke,

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Dyer,	ay	
Ellsworth,	ay	
Root,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Lewis,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Searle,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Henry,	ay	*
Virginia,		
Mr. F. L. Lee,	ay	*
M. Smith,	no	
North Carolina,		
Mr. Burke,	no	no
Hill,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Georgia,		
Mr. Langworthy,	no	no

So it was resolved in the affirmative.

Resolved, That the remainder of the report be postponed.

SIX O'CLOCK, P. M.

Congress took into consideration the memorial of the Sieur Gérard, || the minister plenipotentiary of France;|| Whereupon,

Resolved, That the President be desired to inform the Hon. Sieur Gérard, that Congress approve his proposal of

substituting six thousand barrels of rice in the room of the same quantity of flour, for supplying the fleet of his most Christian Majesty:

That they are well satisfied with his employing such person as he shall think proper, and in whom he can confide to make the purchase; and that Congress will always be ready to give him every assistance in their power to facilitate the purchase and exportation of supplies for his most Christian Majesty's fleet:

That the President be desired to write to the president of South Carolina, and inform him of the necessity of sending the said supply of rice to the fleet of his most Christian Majesty, in the West Indies, and request him to give every assistance in his power to the agent whom the Hon. Sieur Gérard, minister of France, shall appoint to purchase and export the same for the purpose above mentioned.

Ordered, That the Marine Committee be discharged from proceeding on the aforesaid memorial.

A report from the Board of War was read; Whereupon,

Resolved, That Colonel Hartley's regiment and the four independent companies raised in the State of Pensylvania, commanded by Captains Doyle, Wilkie, Steel and Catherwood, and also the remains of Colonel Patton's regiment, except Captain M'Lane's company, be incorporated into one regiment, and added to the Pensylvania line, as an eleventh regiment, and that Captain M'Lane's company be annexed to the Delaware regiment.

Congress took into consideration the proceedings of the general court martial on the trial of Major General St. Clair; Whereupon, a motion was made,

That the sentence of the general court martial, acquitting Major General St. Clair, with the highest honor, of the charges exhibited against him, be, and is hereby confirmed:

To which an amendment was moved in the words following:

The sentence of the general court martial acquitting Major General St. Clair, with the highest honor, of the charges exhibited against him, having been transmitted to Congress and considered; resolved, that he be accordingly discharged from his present arrest:[1]

‖ The question being put on the amendment, ‖

Upon which the yeas and nays being required by Mr. [Edward] Langworthy,

New Hampshire,			*Pennsylvania*,		
Mr. Whipple,	no	no	Mr. Roberdeau,	no	no
Massachusetts Bay,			Searle,	no	
Mr. S. Adams,	ay	ay	*Maryland*,		
Gerry,	no		Mr. Carmichael,	no	no
Lovell,	ay		Henry,	no	
Rhode Island,			*Virginia*,		
Mr. Collins,	ay	ay	Mr. M. Smith,	no	*
Connecticut,			*North Carolina*,		
Mr. Sherman,	ay	ay	Mr. Burke,	no	no
Dyer,	ay		Hill,	no	
Ellsworth,	ay		*South Carolina*,		
Root,	ay		Mr. Laurens,	ay	div.
New York,			Hutson,	no	
Mr. Jay,	no	no	*Georgia*,		
Duane,	no		Mr. Langworthy,	no	no
Lewis,	no				
New Jersey,					
Mr. Witherspoon,	ay	div.			
Fell,	no				

So it passed in the negative.

The main question being put, resolved in the affirmative.

Ordered, That this resolution be transmitted to the Commander in Chief.

Adjourned to 10 o'Clock to Morrow.

[1] This amendment, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 36, I, folio 14. It is endorsed as postponed on the 5th December.

THURSDAY, DECEMBER 17, 1778

A letter, of 13, from General Washington, was read:[1]

Ordered, That it be referred to a committee of five:

The members chosen, Mr. [Henry] Laurens, Mr. M[eriwether] Smith, Mr. G[ouverneur] Morris, Mr. S[amuel] Adams, and Mr. [Thomas] Burke.

Another letter, of 13, from General Washington, was read, respecting Mons. Fleury:

Ordered, That it be referred to the foregoing committee.

Another letter, of 13, from General Washington, was read:

A letter of this day, from Lieutenant Colonel Bedaulx, and

A memorial from Mr. F. Hopkinson, were read:

Ordered, That they be referred to the Board of Treasury.

A letter, of 14, from Brigadier W. Thompson, at Carlisle, was read.

A petition of Claver Taylor, of Providence, in the State of Rhode Island, &c. was read:[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Collins, Mr. T[homas] Adams, and Mr. [Eliphalet] Dyer.

On motion, *Ordered*, That the resolutions of 9 September, and 21 October last, in favour of the Marquis de la Fayette, together with the letters written by the President in consequence thereof, and the Marquis's answer, be published.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 609. It is printed in *Writings of Washington* (Ford), VII, 285.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 605; that of Thompson, in No. 78, XXII, folio 609; and the petition of Taylor, dated November 16, in No. 42, VII, folio 348.

A report from the Board of War was read, relative to the purchase of horses for remounting Colonel Baylor's regiment; after debate,

WAR OFFICE, *November 25, 1778.*

I am directed by the Board to represent to Congress that the Regiment of Horse commanded by Colonel Baylor, consisting at this Time of one hundred and fifty Rank and File, were by the late unfortunate Affair at Taphan deprived of all their Horses but about 50.

There are upwards of forty Horses now at Williamsburg, belonging to the State of Virginia, bought for their late Volunteer Horse under the Command of General Nelson. These horses were about being sold at public Vendue on Behalf of the State, but the Sale was postponed at the Request of an Officer of Baylor's until Application should be made to Congress for Liberty to purchase them for the Use of the Regiment. The Horses are said to be good and trained for Service. They may be had by the Continent at the prime Cost, as it is suggested to the Board, altho' much more may be obtained by Sale to private Persons. The Board request the Opinion and Directions of Congress in the Matter, and if it should be thought proper to purchase them we beg leave to report:

That the Board of War be authorized to purchase for the Use of Colonel Baylor's Regiment of Light Dragoons a Number of Horses the Property of the State of Virginia, and which were bought for the Volunteer Horse of that State, late under the Command of General Nelson, if the same can be procured on reasonable terms.

Postponed

The Warrant for near one Million of Dollars, granted for the western Expedition under General McIntosh is expended, and altho' a very great Proportion of the Money has been paid to Patrick Lockhart, Esq., for the Purchase of Provisions, Horses and other Requisites, he demands agreeably to the enclosed Estimate 166,666 2 3 Dollars to pay off the Debts he has contracted, after expending all the Monies heretofore received. Wherefore the Board beg leave to report:

That the sum of 166,666 Dollars and 2 3ds of a Dollar be paid to the Board of War, to be transmitted to Patrick Lockhart, Esq., of Virginia, farther on account of the western Expedition. And that the said Board be directed to order Mr. Lockhart as soon as possible to make out his Accounts and lay them for Settlement before the Treasury Board.[1]

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 389.

Ordered, That the farther consideration thereof be postponed.

Congress resumed the consideration of the report of the committee of the whole, relative to finance, and after some time spent thereon,

Resolved, That the farther consideration thereof be postponed till to morrow at one o'clock.

SIX O'CLOCK, P. M.

There not being a sufficient number of states to proceed to business,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, DECEMBER 18, 1778

A letter, of 17, from Mr. President Reed, of Pensylvania, was read,[1] together with a letter of 29 November, from Curson and Governeur, of St. Eustatia, enclosed, covering a bill of lading, for six boxes, containing 3000 pair of woollen stockings, for account and risque of the United States:

Ordered, That the same be referred to the Committee of Commerce.

A petition and representation of Evan Malbone, Sen. and Evan Malbone, Jun. was read:

Ordered, That it be referred to the committee on the petition of Claver Taylor.

A letter, of 17, from Major General Lee, was read, desiring to be indulged with the minutes of the whole proceedings of Congress, relative to the proceedings of the general court martial and confirmation of the sentence upon him.[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 559.

[2] This letter is in the *Papers of the Continental Congress*, No. 158, folio 129.

Ordered, To lie until the journals are examined.

A report from the Board of Treasury was read; Whereupon, Congress came to the following order and resolution:

Whereas Dr. Wheelock has incurred expence in supporting a number of Indian youths, of the Caghnawaga tribe, at his school, which in times past has been the means of conciliating the friendship of that tribe:

Ordered, That a warrant issue on the treasurer in favour of Lieutenant Colonel Wheelock, for nine hundred and twenty five dollars, for the use of the said Dr. Eleazer Wheelock.

Whereas it is represented to Congress, that it will be more agreeable to adventurers in the lottery of the United States, to have the blanks drawn as well as the prizes; and that the public will thereby have an opportunity, during the time of drawing, to purchase the tickets which may remain unsold at the commencement: therefore,

Resolved, That the managers be directed to draw the blanks, as well as prizes, of the second class of the said lottery.[1]

The committee to whom was referred General Washington's letter of the 13th,[2] brought in a report: Whereupon,

Resolved, That General Washington be directed to attend Congress immediately after he shall have put the army in such order as to admit of his absence from it a few days.[3]

A memorial from the managers of the United States' lottery, to the Board of Treasury, was laid before Congress and read:[4] Whereupon,

[1] This report, dated December 17, is in the *Papers of the Continental Congress*, No. 136, II, folio 785.

[2] Relative to an expedition against Canada.

[3] This report, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 19, VI, folio 253.

[4] A copy of this memorial is in the *Papers of the Continental Congress*, No. 136, II, folio 775.

TREASURY OFFICE, *December 17th, 1778.*

The Committee on the Treasury beg leave to Report, that they have taken into Consideration the annexed Memorial of the Managers of the United States Lottery.

That from the positive Terms in which Congress have fixed the drawing the Lottery for the first Day of January next, the Committee are of Opinion that the drawing ought not to be deferred.

Considering, however, that this is an Important object, as instead of gaining, the public may loose, a large Sum by proceeding to draw the Lottery in the present low state of the Sales of Tickets: the Committee think proper to submit the Representation of the Managers with this Report to Congress for their Direction.[1]

A motion was made, that the drawing of the second class of the United States lottery be deferred to the first day of April next:

Question put, passed in the negative.

Congress resumed the consideration of the report of the committee of the whole:

On the second proposition in the report,

2. That they be brought in for that purpose, in the manner hereafter provided, by the first day of June next, and not afterwards redeemable.

To which an amendment was moved in lieu of the whole as follows: "That it be recommended to the States to pass laws prohibiting the currency of all bills of the said emissions within their respective limits after a certain day; such day to be as early as their respective circumstances will admit; and that no bills of the said emissions shall be held redeemable, which shall not be brought in to the proper offices on or before the day most distant from the time of passing this resolution, which shall by any State be enacted for limiting the currency thereof."

Which was lost by the previous question.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 773.

Another amendment was moved to strike out the words "and not afterwards redeemable"; and in lieu thereof insert, "and that it be recommended to the several States to pass effectual laws to prevent the circulation of the said bills on the respective States after the said 1st day of June next."

Which was also lost by the previous question.

The main question was then divided, and the yeas and nays being required by Mr. [Meriwether] Smith, on the first clause ||as far as the word "next" inclusive:||

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	ay	
Root,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Lewis,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Searle,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	
Virginia,		
Mr. M. Smith,	no	*
North Carolina,		
Mr. Burke,	no	no
Hill,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Hutson,	ay	

So it was resolved in the affirmative.

The question being put, and the yeas and nays required by Mr. M[eriwether] Smith, on the second clause,

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	ay	
Root,	ay	
New York,		
Mr. Jay,	no	no
Duane,	ay	
Lewis,	no	
New Jersey,		
Mr. Witherspoon,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Searle,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	no	no
Henry,	no	
Virginia,		
Mr. M. Smith,	no	*
North Carolina,		
Mr. Burke,	no	no
Hill,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Hutson,	ay	

So it was resolved in the affirmative.

The third proposition was taken into consideration, viz.

3. That they be received for debts and taxes into the continental treasury, and into the State treasuries for continental taxes, until the first day of June next:

An amendment was moved for striking out the words "for continental taxes:"

And on the question that they stand part of the report, the yeas and nays being required by Mr. [Thomas] Burke,

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	ay	
Root,	ay	

New York,		*Maryland*,	
Mr. Jay,	no	Mr. Carmichael,	no
Duane,	ay } no	Henry,	no } no
Lewis,	no	*Virginia*,	
New Jersey,		Mr. M. Smith,	no } *
Mr. Witherspoon,	ay	*North Carolina*,	
Fell,	ay } ay	Mr. Burke,	no
Pennsylvania,		Hill,	no } no
Mr. Searle,	ay } ay	*South Carolina*,	
Delaware,		Mr. Laurens,	ay
Mr. M'Kean,	ay } ay	Drayton,	ay } ay
		Hutson,	ay

So it was resolved in the affirmative.

Question put on the main question,

Resolved in the affirmative.

Resolved, That the farther consideration of the report be postponed till to morrow at 1 o'Clock.

SIX O'CLOCK P. M.

There not being a sufficient number of states to proceed to business,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 19, 1778

An extract from the minutes so far as relates to the proceedings of Congress on the proceedings and sentence of the general court martial on the trial of Major General Lee, was laid before Congress, and read: Whereupon,

A motion was made, That the Secretary be directed to furnish Major General Lee with a certified copy of the said extract.

To which an amendment was moved to add "except the yeas and nays of the respective members."

Question put on the amendment,

Passed in the negative.

At 1 o'Clock the order of the day was called for.

On motion, *Resolved*, That a committee of five be appointed to confer with the Commander in Chief and the principal officers of the staff, on ways and means for retrenching the expences of the army:

The members chosen, Mr. [James] Duane, Mr. [Henry] Laurens, Mr. [Oliver] Ellsworth, Mr. [Elbridge] Gerry, and Mr. M[eriwether] Smith.

Congress proceeded to the consideration of the report of the committee of the whole, when the fourth proposition was read, viz.

4. That they be received into the continental loan offices, either for loan office certificates or in order to be exchanged for other bills of like tenor to be provided, at the election of the owners, until the first day of June next:

To which an amendment was moved; after debate,

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 21, 1778

The motion on Major General Lee's letter, of 17th, was called for, and the question put thereon.

Passed in the negative.

The order of the day being called for,

The amendment moved, in lieu of the 4 proposition, was read, in the words following:

"That such bills be received into the treasury in order to be exchanged by bills of equal value, to be provided for the purpose of exchanging them on or before the first day of June next:"

On the question ||to agree to the amendment,||

The yeas and nays being required by Mr. [Thomas] Burke,

New Hampshire,		
Mr. Whipple,	no	no
Frost,	no	
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	ay	
Holten,	no	
Rhode Island,		
Mr. Ellery,	no	no
Collins,	no	
Connecticut,		
Mr. Dyer,	no	no
Ellsworth,	no	
Root,	no	
New York,		
Mr. Jay,	no	no
Lewis,	ay	
G. Morris,	no	
New Jersey,		
Mr. Witherspoon,	no	no
Fell,	no	
Pennsylvania,		
Mr. Searle,	no	no
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	no	*
M. Smith,	ay	
North Carolina,		
Mr. Burke,	ay	ay
Hill,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Hutson,	no	
Georgia,		
Mr. Langworthy,	ay	ay

So it passed in the negative.

An amendment was made to strike out the words "office certificates," and change "for" into "on;" question put, resolved in the affirmative.

A motion was made to strike out the words "either on loan or;"

And on the question, that those words stand part of the report,

The yeas and nays being required by Mr. [William] Ellery,

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachussetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	ay	
Root,	ay	
New York,		
Mr. Jay,	ay	ay
Lewis,	ay	
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Searle,	ay	ay
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	no	*
M. Smith,	ay	
North Carolina,		
Mr. Burke,	no	no
Hill,	no	
South Carolina,		
Mr. Laurens,	no	ay
Drayton,	ay	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	no	no

So it was resolved in the affirmative.

An amendment being made by transposition, and the question being put on the proposition as amended,

4. *Resolved*, That they be received until the first day of June next, into the continental loan offices, either on loan or to be exchanged, at the election of the owners, for other bills of the like tenor, to be provided for that purpose.

5. *Resolved*, That the bills lodged in the said offices, to be so exchanged, be there registered, and indented certificates thereof given to the owners by the respective commissioners of the said offices:

On the question to agree to this resolution, the yeas and nays being required by the President [John Jay],

New Hampshire,			*Pennsylvania*,		
Mr. Whipple,	ay	ay	Mr. Searle,	ay	ay
Frost,	ay		*Delaware*,		
Massachusetts Bay,			M. M'Kean,	ay	ay
Mr. Gerry,	ay		*Maryland*,		
Lovell,	ay	ay	Mr. Carmichael,	no	no
Holten,	ay		Henry,	no	
Rhode Island,			*Virginia*,		
Mr. Ellery,	ay	ay	Mr. F. L. Lee,	ay	*
Collins,	ay		M. Smith,	no	
Connecticut,			*North Carolina*,		
Mr. Dyer,	ay		Mr. Burke,	no	no
Ellsworth,	ay	ay	Hill,	no	
Root,	ay		*South Carolina*,		
New York,			Mr. Laurens,	no	
Mr. Jay,	no		Drayton,	ay	ay
Lewis,	ay	no	Hutson,	ay	
G. Morris,	no		*Georgia*,		
New Jersey,			Mr. Langworthy,	no	no
Mr. Witherspoon,	ay	ay			
Fell,	ay				

So it was resolved in the affirmative.

At a Board of War, *20th December, 1778.*

Present, Mr. [Francis Lightfoot] Lee, Mr. [William] Duer, Mr. [John] Harvie, and Mr. [Joseph] Jones.

The Board taking into Consideration the petitions of Colonels Green and Summer and other Officers in the Army, who have lost their horses in actual service, beg leave to report to Congress,

That every Officer in the Army of the United States whose Duty requires his being on horseback in time of Action be allowed the sum of Dollars as a compensation for any horse he shall have killed by the Enemy in Battle. This Resolution to have Retrospect, and the Quarter Master General to be authorized to pay the said sum, to the respective sufferers, on the fact being properly authenticated.[1]

||Adjourned to 10 o'Clock to Morrow.||

[1]This report is in the *Papers of the Continental Congress*, No. 42, VII, folio 45. A resolution embodying the recommendation was adopted January 8, 1780.

TUESDAY, DECEMBER, 22, 1778

The President informed the house that Brigadier W. Thompson, agreeable to order, attended yesterday; that he had signified a desire to be indulged till Wednesday, as he is desirous of having some witnesses examined: Whereupon,

Ordered, That to morrow evening be assigned for proceeding on the charge against Brigadier W. Thompson, and that he be notified to attend with his evidence at 5 o'clock.

Ordered, That the secretary summon Samuel Smith, ||Jun.|| and notify Mr. [James] Searle to attend Congress at 5 o'clock on Wednesday evening, to give evidence on the charge against Brigadier W. Thompson.

On motion, *Resolved*, That the secretary be permitted to furnish Major General Lee with such extracts from the journal as relate to the proceedings of the general court martial on his trial, and confirmation of the sentence.

A letter, of 24 November, from Major General R. Howe, ||was read,|| enclosing one of 21 November, from Colonel White, in Georgia, informing, that the enemy have invaded that State, and are advancing with about 1,100 men.[1]

A letter, of 20, from Colonel Armand, Marquis de Rouerie, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Duane, Mr. [William] Ellery, and Mr. [William] Carmichael.

A letter, of 21, from Mr. S. Deane, was read, informing Congress that he has committed to writing as particular

[1]The letter of Howe is in the *Papers of the Continental Congress*, No. 160, folio 499; that of White is on folio 503.

an account of his agency of their affairs in Europe as his situation will permit him, and waits the pleasure of Congress to lay the same before them:

Resolved, That Mr. S. Deane be informed that Congress will meet this evening at six o'clock, to receive his information, and that he be desired to attend ||at that time.||

A letter, of 16, from General Washington, was read, enclosing a report of the commissioners by him appointed, to meet commissioners from Sir Henry Clinton, with other papers respecting the meeting; and informing that an exchange of prisoners has not taken place:[1] Whereupon,

Resolved, That Congress approve the proceedings of the Commander in Chief and the commissioners appointed by him in the negotiations at Amboy for exchange of prisoners:

Ordered, That so much of General Washington's letter as relates to the said negotiations, together with the papers enclosed, be published.

A letter, of 19, from Mons. de Francey, was read:[2]

Ordered, That to morrow be assigned for considering the same.

A letter, of 18, from the Board of War, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of this day, from the Marquis of Britigny, was read:[3]

Ordered, That Thursday next be assigned for taking into consideration the report on the memorial of the Marquis of Britigny.

A letter, of 19, from Hon. H. Laurens, late President, was read:

Ordered, That it be referred to the Board of Treasury.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 1.
[2] This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 217.
[3] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 225.

A letter, of 12, from General T. Mifflin, and one of 15, from Mr. President Rodney, of Delaware, were read.[1]

A memorial from Elizabeth Preston, was read:[2]

Ordered, That it be referred to the Board of War.

Resolved, That a member be appointed to the Board of War, in the room of Mr. [Roger] Sherman:

The ballots being taken, Mr. J[esse] Root was elected.

A memorial from Thomas Mumford was read.

The Committee on the Treasury, to whom was re-committed their report on the memorial of Ephraim Blaine, deputy commissary general of purchases, with directions to state the facts specially, report,

"That it appears by a letter from the said Ephraim Blaine to Congress, dated the 27 March last, that he had purchased goods from George Kennedy, between the 3d October, 1777, and 9 February following, to the amount of six thousand dollars, for which he had engaged him to take payment in loan office certificates, on condition that such certificates should be procured for him before the first day of March, 1778:

That Kennedy applied to the commissary general before that day, but because Blaine's accounts were unsettled, he could not get a draught on the loan office for the certificates:

That Kennedy was yet willing to take certificates to bear date as above:

That there were other claimants under the like circumstances, who had not yet applied:[3]

That the said letter, being referred to the Committee on the Treasury, they gave their opinion that it was by

[1] Mifflin's letter is in the *Papers of the Continental Congress*, No. 161, folio 56; that of Rodney, in No. 70, folio 691.

[2] This memorial, dated December 22, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 66.

[3] The four following paragraphs are in the writing of Thomas Edison.

no means proper to antedate loan office certificates for the payment of a balance due from the public, and circumstanced as the case mentioned in the said letter:

That Mr. Blaine, on the 30 day of May following, presented a memorial to Congress, setting forth that he contracted with George Kennedy and others, for articles for the use of the army, in the months of October, November, December, and January, then last, to the amount of 17,500 dollars, for which he had promised them loan office certificates in payment; he therefore prayed for warrants on the loan office for certificates to that amount, to be dated on the first of January, then last, to enable him to fulfil his contract:

That the said memorial being referred to the Board of Treasury, they reported that they continued of the opinion they had before given on Mr. Blaine's letter, that it was by no means proper to antedate loan office certificates for the payments of those debts:

That, upon the said report being read in Congress, it was re-committed.

That they have therefore a third time taken the subject matter of the said letter and memorial into consideration, and, after mature reflection, retain the opinion they have repeatedly given, that antedated certificates ought not to be issued to satisfy the said demands:

and in support of such their Opinion, they beg leave to subjoin the following Reasons:

I. That to draw the Loan Office Certificates into Trade appears to be repugnant to the policy upon which the Loan Offices were established: A principal End was to lessen the quantity of the Bills in Currency by exchanging them into Certificates, which would not be so liable to Transfer: But to Countenance Mr. Blain's Mode of Contracting, would be to multiply by a powerful Example, [and to] countenance by a formal Act of Congress the Circulating Medium by the additional weight of those Certificates.

II. That to trafic with Loan Office Certificates would be to bring them into disesteem, and in a little Time to expose them to the disadvantage of a Discount.

III. That the Loan Office Certificates at that Time bearing an Interest payable by Bills of Exchange on France, were better than Continental Bills of Credit to the same Amount, and such Mode of payment consequently prejudicial to the public.

IV. That no purchasing Commissary had any Licence or Authority to Barter Loan Office Certificates for Goods: and Consequently Congress are not bound in Justice any more than in Policy to Countenance such Contracts.

V. That to give Authority to any purchasing Officer to agree for Continental Certificates: to defer payment because their public Accounts may be unsettled and afterwards to make good an Interest by antedating Loan Office Certificates would be a dangerous Tendency, and open still wider the Door to Fraud and Imposition.

VI. That strict punctuality in payment either in public or private Dealings is not at all Times practicable. That where there is some Delay, it has not been usual for Congress to allow an Interest; nor is it customary, as the Committee believe in any Country whatever.

VII. That if notwithstanding the last Reason, Mr. Blain's *unauthoritative* Engagement for Loan Office Certificates, should be confirmed, there is the same Equity, that all the public Creditors should be paid in Continental Loan Office Certificates; bearing an Interest from the Time of contracting the Debt, and payable by the Commissioners in France.[1]

||The report being read and considered,||

Resolved, That Congress agree to the said report.

Another report from the Board of Treasury was read; Whereupon,

Resolved, That William Geddes, Esq. commissioner of one of the chambers of accounts, be empowered and requested to act as one of the commissioners of claims until the chambers of accounts can proceed to business.

Resolved, That the remainder of the report which respects the memorial of Captain John Sutton, be re-committed.

[1] This report, dated December 19, is in the *Papers of the Continental Congress*, No. 136, II, folio 789.

Another report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE, *December 18, 1778.*

The Committee on the Treasury beg leave to Report that application is made by Captain Cosmo Medici for Reimbursement for 18 Horses purchased by him for the North Carolina Troops.

That the Horses so purchased average at 335 78/90 Dollars each.

That by the Resolutions of Congress no more is allowed for each Horse than 150 Dollars.

That the Committee are informed that in many cases besides the present, larger Sums have been paid for Horses than the allowance limited by Congress.

The Committee therefore submit it to Congress, whether an additional allowance shall be made beyond the established price, in the settlement of the Officers Accounts, who have purchased Horses for the Cavalry.

Ordered, That a warrant issue on the treasurer in favour of the Marine Committee, for twenty thousand dollars, for the use of the navy board in the middle department; the said committee to be accountable:

Ordered, That a warrant issue on the treasurer in favour of John Millar, for one thousand dollars, in payment of a draught of Major General R. Howe, dated Charleston, South Carolina, 24 August, 1778, in favour of Captain Rawleigh Downman, and endorsed by him for that sum; it being agreeable to a letter of advice of the same date from General Howe, who is to be accountable.[1]

Resolved, That the remainder of the report respecting an additional allowance beyond the established price, to be made to officers who have purchased horses for the cavalry, be postponed to Monday next; then to be taken into consideration.

[1] This report, dated December 18, is in the *Papers of the Continental Congress*, No. 136, II, folio 779.

SIX O'CLOCK, P. M.

The committee to whom were referred sundry letters from Major General Mifflin, late quartermaster general, brought in a report, which was read:

We your committee appointed by a resolve of the — September[1] last upon sundry letters addressed to Congress by General Mifflin late Quarter Master General, beg leave to report.

1. That upon perusal of sundry letters wrote by your commander in chief during the last winter, and your committee then sitting in camp, it appears that the troops suffered very great and sore distress, in the articles of provisions, forage, and camp transportation, that the said distress is therein ascribed to the neglect, deficiencies, or other mismanagement of the said department.

That Congress on the eleventh of June last passed the following resolve vizt.:

Ordered, That General Washington be directed to order an inquiry to be made into the conduct of Major General Mifflin, late Quarter Master General, and the other officers who acted under him in that department, and if it shall appear, that the extraordinary deficiencies thereof, and the consequent distresses of the army were chargeable to the misconduct of the said Quarter Master General, or any of the said officers that a Court martial be forthwith held on the delinquents.

That it does not appear to your committee, that any proceedings have been since had thereupon. Your committee also beg leave to add, that during their consideration of this matter, information was given to them, supported by sundry affidavits, from which it appears probable, that during the winter 1777, and the spring 1778, when the army was in the suffering state before mentioned, sundry brigades of waggons in the publick service were sent to New Windsor, Newburgh, Hartford, and Boston with flour and Iron on private accounts and brought back private property. That it also appears probable from said affidavits, that the said flour and Iron had been taken as for publick use at the regulated prices then fixed by law, and that the waggons during such transportation, were subsisted at the different posts, on the publick forage. That Colonel Robert Lettis Hooper, then and now deputy Quarter Master General, appears to have been the principal director of the said waggons at that time.

[1] The resolution was dated August 17. See page 802, *ante*.

Your committee therefore under all the circumstances of the case report, if the said resolution of the eleventh of June is to be carried into execution, the same should be done by a court of inquiry, and court martial in the usual manner, and that General Washington be directed to proceed accordingly, the parties concerned having reasonable notice.

Your committee also present to the House the affidavits they have taken and the Minutes of their Proceedings to be disposed of as Congress think proper.[1]

Ordered, That the consideration thereof be postponed.

The committee to whom was referred the letter of 13th, from General Washington, relative to Lieutenant Colonel Fleury, brought in a report, which was read:

Ordered, That the consideration thereof be postponed until the report from the Board of War respecting Brigadier du Portail, and the engineers who accompanied him, shall be taken up, and that both be considered together.

According to order, Mr. Deane attending, was called in, and proceeded to read his written information, but, not having time to finish,

Ordered, That he attend to morrow at 9 o'clock, and proceed in his information.

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, DECEMBER 23, 1778

A letter, of 22, from Colonel William Grayson, was read, informing that he has been duly notified of his appointment to the Board of War, and expressing a desire to decline the appointment.

A letter, of 1, from Gosuinus Erkelens, was read; also a letter of 29 November, from Colonel J. G. Direks, inform-

[1] The last paragraph is in the writing of John Witherspoon. The report is in the *Papers of the Continental Congress*, No. 19, IV, folio 81. It was adopted January 23, 1779.

ing Congress of his intention,[1] on his arrival in Holland, to correspond with the Hon. Dr. Franklin, at Paris, and desiring that the President would mention his name to Dr. Franklin in his next letter:

Ordered, That this his desire be complied with.

According to order, Mr. Deane attending, was called in, and proceeded in his information, and having gone through what he had written, he produced sundry letters and papers, ~~referred to in his written information,~~ which he desired might be read; upon a letter of 7 April, from Dr. Franklin to him, being read, Mr. Deane desired leave to say something in explanation of the latter clause of said letter, which respects a negotiator, "who, the letter mentions, is gone back apparently much chagrined at his little success, and in which Dr. Franklin says he has promised him faithfully, that since his propositions could not be accepted, they should be buried in oblivion; and therefore earnestly desires that Mr. Deane would put that paper immediately in the fire, on the receipt of the letter, without taking or suffering to be taken any copy of it, or communicating its contents:"

As he was proceeding to explain this matter, a motion was made, that Mr. Deane withdraw:

Mr. Deane accordingly withdrew.

A motion was then made, that Mr. Deane be called in and informed that if he has any thing further to report, he lay it before Congress in writing:

To which an amendment was moved,

That Mr. Deane be permitted to proceed in his verbal explanation, referred to, and that it be afterwards reduced to writing, if Congress shall judge it necessary: which being adopted, it was divided, and upon the question to agree to the first clause,

[1] The letter of Grayson is in the *Papers of the Continental Congress*, No. 78, X, folio, 125; that of Erkelens, in VIII, folio 307; and that of Dircks, in VII, folio 227.

The yeas and nays being required by Mr. [William] Ellery,

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	div.
Collins,	ay	
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	ay	
Root,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Delaware,		
Mr. M'Kean,	ay	ay
Virginia,		
Mr. F. L. Lee,	ay	ay
M. Smith,	no	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Williams,	ay	
Burke,	ay	
Hill,	ay	
South Carolina,		
Mr. Laurens,	no	ay
Drayton,	ay	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

On the question to agree to the second clause,

The yeas and nays being required by Mr. [William] Ellery,

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	ay	
Root,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Fell,	ay	

Pennsylvania,		
Mr. Roberdeau,	ay	ay
Delaware,		
Mr. M'Kean,	ay	ay
Virginia,		
Mr. F. L. Lee,	ay	ay
M. Smith,	ay	
Griffin,	no	
North Carolina,		
Mr. Penn,	ay	ay
Williams,	ay	
Burke,	ay	
Hill,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	no	no

So it was resolved in the affirmative.

Ordered, That the secretary inform Mr. Deane that Congress will give him notice of the time when he shall attend again, which will probably be this evening.

SIX O'CLOCK, P. M.

A letter, of 10 September, from Mr. Jonathan Williams, at Nantes, was read, with a number of papers accompanying it:

Ordered, To lie on the table for the perusal of the members.

According to order, Brigadier W. Thompson attending, was called in, and the evidences being examined, withdrew.[1]

Ordered, That Brigadier W. Thompson be called in and informed, that if he has any thing to offer in his defence, the house is ready to hear him, but that if he requires time to make his defence, it will be allowed him.

Brigadier Thompson being called in and informed of the order of the house, desired that the papers he had in his hand might be read:

[1] Thomson's notes of the testimony are in the *Papers of the Continental Congress*, No. 159, folio 310.

The same being read, and he having nothing further to offer, General Thompson was ordered to withdraw, and he withdrew accordingly.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, DECEMBER 24, 1778

Mr. Samuel Atlee, a delegate for Pensylvania, attended, ||and took his seat in Congress.||

The president informed Congress that General Washington was arrived in town, pursuant to their orders: ||Whereupon,||

Resolved, That the Commander in Chief be introduced to Congress, and informed from the chair, that Congress have directed his attendance in order, among other things, to confer with him on the operations of the next campaign, and that a committee will be appointed for that purpose.

Ordered, That the secretary present the Commander in Chief with the foregoing resolution, and acquaint him that Congress are now ready to receive him.

In pursuance of the foregoing order, the Commander in Chief attended, and being informed by the President of the end for which Congress has directed his attendance, and that a committee will be appointed agreeably to the foregoing resolution, he withdrew.

Congress proceeded to the election of a committee:

The members chosen, are Mr. [James] Duane, Mr. [Jesse] Root, Mr. M[eriwether] Smith, Mr. G[ouverneur] Morris, and Mr. [Henry] Laurens.

Congress took into consideration the charge against Brigadier General Thompson, and his defence; Whereupon the defence was called for, and read.

A motion was then made, that the apology made by Brigadier General Thompson be accepted as satisfactory:

The charge and depositions were then called for; Whereupon a motion was made, that the examination of Mr. Justice Atlee, and the deposition of Colonel Noarth, the one offered to support the charge against Brigadier General Thompson, and the other in his exculpation, be rejected, the same being taken *ex parte:*

To which an amendment was offered, || by way of substitute,||

That the examination of Mr. Justice Atlee, taken before Congress on Monday the 7th inst. in support of the charge against Brigadier Thompson, be rejected, and that the deposition of Colonel Noarth, produced last night by Brigadier Thompson in his own exculpation from the charge, be also rejected:

A question was taken, whether, consistent with order, the latter proposition can be offered as an amendment to the former: and

The yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*New York,*		
Mr. Whipple,	ay	ay	Mr. Jay,	no	no
Massachusetts Bay,			Duane,	no	
Mr. S. Adams,	ay	ay	G. Morris,	ay	
Gerry,	ay		*New Jersey,*		
Lovell,	ay		Mr. Witherspoon,	ay	div.
Holten,	ay		Fell,	no	
Rhode Island,			*Pennsylvania,*		
Mr. Ellery,	ay	ay	Mr. Roberdeau,	ay	ay
Connecticut,			Atlee,	ay	
Mr. Dyer,	ay	ay	*Delaware,*		
Ellsworth,	ay		Mr. M'Kean,	ay	ay
Root,	ay				

Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
M. Smith,	no	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	div.
Hill,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved to be in order.

The question being put on the amendment, passed in the negative.

The main question being divided,

On the question, that the examination of Mr. Justice Atlee be rejected,

The yeas and nays being required by Mr. [James] Duane,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	ay	
Root,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Lewis,	ay	
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Atlee,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
M. Smith,	ay	
Griffin,	ay	
North Carolina		
Mr. Penn,	ay	ay
Hill,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Hutson,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

The question was put, that the deposition of Colonel Noarth be rejected:

Resolved in the affirmative.

The question was put, on these words of the proposition, namely, "the same having been taken, *ex parte*,"

The yeas and nays being required by Mr. F[rancis] L[ightfoot] Lee,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	no	
Root,	ay	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Lewis,	ay	
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Atlee,	ay	
Delaware,		
Mr. M'Kean,	no	no
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	no	ay
M. Smith,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Hill,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Hutson,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

The question being taken on the whole,

Resolved, That the examination of Mr. Justice Atlee, and the deposition of Colonel Noarth, the one offered to support the charge against Brigadier General Thompson, and the other in his exculpation, be rejected, the same having been taken *ex parte*.

The proceedings on the journal relative to Brigadier Thompson, the charge and the depositions of the witnesses, were read: Whereupon,

A motion was made, that Brigadier General Thompson is guilty of a breach of privilege:

On which the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Ellsworth,	ay	ay
Root,	ay	
New York,		
Mr. Jay,	no	div.
Duane,	ay	
Lewis,	ay	
G. Morris,	no	
New Jersey,		
Mr. Witherspoon,	ay	div.
Fell,	no	
Pennsylvania,		
Mr. Roberdeau,	ay	div.
Atlee,	no	
Delaware,		
Mr. M'Kean, *excused.*		
Maryland,		
Mr. Carmichael,	no	no
Henry,	no	
Virginia,		
Mr. F. L. Lee,	ay	ay
M. Smith,	ay	
Griffin,	no	
North Carolina,		
Mr. Penn,	no	no
Hill,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	no	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

It was then moved,

That General Thompson's apology is satisfactory:

On which the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,		
Mr. Whipple,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	no	no
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Ellsworth,	ay	div.
Root,	no	
New York,		
Mr. Jay,	ay	ay
Duane,	ay	
Lewis,	ay	
G. Morris,	ay	
New Jersey,		
Mr. Witherspoon,	no	div.
Fell,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Atlee,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
M. Smith,	ay	
Griffin,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Hill,	ay	
South Carolina,		
Mr. Laurens,	no	ay
Drayton,	ay	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

Adjourned to 10 o'Clock on Saturday.

SATURDAY, DECEMBER 26, 1778

A letter, of 21, from Abraham Clark, Esq. of New Jersey, was read, enclosing affidavits respecting the conduct of Brigadier Maxwell in resisting a writ of Habeas Corpus:[1]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [James] Duane, Mr. [Thomas] Burke, and Mr. [John] Fell.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 287.

A memorial from Josiah Smith, surgeon, and others, late of the *Revenge* cutter, Captain Cunningham, was read:

Ordered, That it be referred to the Marine Committee.[1]

Congress resumed the consideration of the report of the committee of the whole on the subject of finance, when the 6th proposition was read, viz.

6. That proper bills be provided and ready to be delivered out at said offices, to compleat the said exchanges as soon as possible, and that due notice be given to all parties concerned by public advertisements, as soon as the same shall be ready:

It was moved to strike out the words "as soon as possible," and all the words that follow to the end of the resolution, and insert in the place thereof "by the first day of June next."

An amendment was then moved, || to substitute the following resolution: ||

That the commissioners of the loan offices make returns to the Treasury Board immediately after the 1st day of June next, of the amount of bills received into their respective offices, to be exchanged as aforesaid, and that proper bills to exchange the same be furnished and ready to be delivered out at their said offices within sixty days from and after the said first day of June:

To which the following addition was moved, viz.

And that the proprietors of bills brought into the loan offices shall be entitled to and receive an interest on the sums respectively brought in as aforesaid, at the rate of six per centum per annum, from the 1st June aforesaid, to the day on which they shall be exchanged:

Upon which, the yeas and nays being required by Mr. [Henry] Laurens,

[1] From this point to the end of the day the entries were made by Belcher P. Smith.

New Hampshire,		
Mr. Whipple,	no	no
Frost,	no	
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Dyer,	no	no
Ellsworth,	no	
Root,	no	
New York,		
Mr. Jay,	no	ay
Duane,	ay	
Lewis,	ay	
New Jersey,		
Mr. Witherspoon,	no	no
Fell,	no	
Pennsylvania,		
Mr. Roberdeau,	no	no
Atlee,	no	
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	
Virginia,		
Mr. M. Smith,	no	*
Griffin,	ay	
North Carolina,		
Mr. Penn,	no	div.
Williams,	ay	
Burke,	no	
Hill,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Georgia,		
Mr. Langworthy	no	no

So it passed in the negative.

The question was then put to agree to the amendment, and in lieu of the original proposition,

The yeas and nays being required by Mr. [Thomas] Burke,

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Ellsworth,	ay	ay
Dyer,	ay	
Root,	ay	
New York,		
Mr. Jay,	no	ay
Duane,	ay	
Lewis,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Fell,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Atlee,	ay	
Maryland,		
Mr. Carmichael,	ay	ay
Henry,	ay	

Virginia,			*South Carolina*,		
Mr. M. Smith,	no	*	Mr. Laurens,	no	no
Griffin,	no		*Georgia*,		
North Carolina,			Mr. Langworthy,	no	no
Mr. Penn,	ay				
Williams,	no	no			
Burke,	no				
Hill,	no				

So it passed in the affirmative.

The 7th proposition was then read, and agreed to as follows:

7. That the first mentioned bills, as they are brought into the treasuries and loan offices, be immediately crossed and struck through with a circular punch of one inch diameter, to be afterwards examined and burnt, as Congress shall direct.

Ordered, That Mr. Deane be notified to attend Congress on Monday, the 28 instant, at ten o'clock a. m.

TREASURY OFFICE, *December 26, 1778.*

The Committee on the Treasury beg leave to report the following Resolution:

That a Warrant issue on the Treasurer, in favor of Colonel John Beatty, Commissary General of Prisoners, for ten thousand dollars, for the use of his Department, for which he is to be accountable.[1]

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 28, 1778

There not being a sufficient number of states to proceed to business,

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 793.

TUESDAY, DECEMBER 29, 1778

Mr. [Nathaniel] Scudder, a delegate for New Jersey, attended, and took his seat.

A letter, of this day, from Dr. J. Morgan, was read;[1] Whereupon,

Resolved, That a member in the place of Mr. [John] Harvie be added to the committee on the memorial from Dr. Morgan:

The member chosen, Mr. M[eriwether] Smith.

The President informed Congress that the Minister of France had requested him to communicate the following information to Congress, namely, That the Minister was assured by good intelligence that the enemy's fleet at Rhode island were greatly distressed for want of masts and spars; that a mast had been taken from a Merchant Man of 600 tons and put into a man of war of the line; That others of their ships of war had been rigged with jury masts, and that they had little prospect of a supply from Halifax or any other of their ports: That there was in New Hampshire a number of masts fit for ships of the line ready to be exported from thence to St. Domingo. That the enemy have been advised of this and are preparing to intercept them: That it is his opinion it would be of great consequence to prevent the enemy from obtaining such an important supply, and therefore he proposed that the masts should be sunk during the winter, and as an inducement thereto he would himself pay the expence of sinking and raising them, and also the interest of whatever sums may have been expended in procuring the said masts, until the next spring. Whereupon,

[1] This letter is in the *Papers of the Continental Congress*, No. 63, folio 121.

Resolved, That it be most earnestly recommended to the States of Massachusetts bay and New Hampshire to take the most effectual measures to prevent any masts or spars from being exported from or laden on board of any ships or vessels within the ports of the said States.

Ordered, That the President enclose the foregoing information and resolution, and write fully on the subject to the executive authorities of those States.

A letter, of 17th, from Governor G. Clinton, ||of New York,|| was read:[1]

A letter, of 15, from Colonel Malcolm, was read, enclosing a return of the military stores and garrison of Forts Clinton and Constitution:

Ordered, That the same be referred to the Board of War.

Resolved, That two brigadiers be appointed for the troops of North Carolina.

Colonels Jethro Sumner and Thomas Clarke are nominated by the delegates of North Carolina for brigadiers.

Resolved, That a committee of three be appointed to enquire into the state of the Pensylvania troops, and report whether an additional brigadier is wanting for the troops of that State:

The members chosen, Mr. [Thomas] M'Kean, Mr. [Thomas] Burke, and Mr. [Samuel] Atlee.

Resolved, That an additional brigadier be appointed for the troops of South Carolina.

Colonel Isaac Huger [was] nominated by the delegates of South Carolina.

The order of the day was called for, whereupon a set of resolutions which were laid upon the table on Saturday, relative to finance were read.

[1] This letter is the *Papers of the Continental Congress*, No. 67, II, folio 144.

After debate,

Resolved, That the farther consideration thereof be postponed ||till to morrow.||

A motion was made as follows:

Whereas a report hath circulated in divers parts of America, that Congress would not redeem the bills of credit issued by them to defray the expences of the war, but would suffer them to sink in the hands of the holder, whereby the value of the said bills hath, in the opinion of many of the good people of these states, depreciated; and lest the silence of Congress might give strength to the said report;

Resolved, That the said report is false and derogatory to the honor of Congress.

A motion was made that the consideration thereof be postponed;

On which the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	ay	
Root,	ay	
New York,		
Mr. Jay,	no	no
Duane,	no	
G. Morris,	no	
New Jersey,		
Mr. Witherspoon,	ay	no
Scudder,	no	
Fell,	no	
Pennsylvania,		
Mr. Roberdeau,	no	no
Searle,	no	
Atlee,	no	
Delaware,		
Mr. M'Kean,	no	no
Maryland,		
Mr. Carmichael,	no	div.
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	*
M. Smith,	no	

North Carolina,		
Mr. Penn,	no	no
Burke,	ay	
Hill,	no	
South Carolina,		
Mr. Drayton,	no	no

So it passed in the negative.

After debate the previous question was moved;

On which the yeas and nays being required by Mr. [William Henry] Drayton,

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	ay	
Root,	ay	
New York,		
Mr. Jay,	no	no
Duane,	no	
G. Morris,	no	
New Jersey,		
Mr. Scudder,	no	no
Fell,	no	
Pennsylvania,		
Mr. Roberdeau,	ay	no
Searle,	no	
Atlee,	no	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Carmichael,	no	*
Virginia,		
Mr. F. L. Lee,	ay	*
M. Smith,	ay	
North Carolina,		
Mr. Penn,	no	no
Burke,	ay	
Hill,	no	
South Carolina,		
Mr. Drayton,	no	no

So the states were equally divided.

The question being then put on the resolution,

And the yeas and nays required by Mr. [William Henry] Drayton,

New Hampshire,			*New Jersey*,		
Mr. Whipple,	no	div.	Mr. Scudder,	ay	ay
Frost,	ay		Fell,	ay	
Massachusetts Bay,			*Pennsylvania*,		
Mr. S. Adams,	no	ay	Mr. Roberdeau,	ay	ay
Gerry,	ay		Searle,	ay	
Holten,	ay		Atlee,	ay	
Rhode Island,			*Delaware*,		
Mr. Ellery,	no	no	Mr. M'Kean,	ay	ay
Collins,	no		*Virginia*,		
Connecticut,			Mr. F. L. Lee,	ay	*
Mr. Dyer,	ay	no	M. Smith,	no	
Ellsworth,	no		*North Carolina*,		
Root,	no		Mr. Penn,	ay	ay
New York,			Burke,	no	
Mr. Jay,	ay	ay	Hill,	ay	
Duane,	ay		*South Carolina*,		
G. Morris,	ay		Mr. Drayton,	ay	ay

So it was resolved in the affirmative.

A question was then put to agree to the preamble,

On which the yeas and nays being required by Mr. [William] Ellery,

New Hampshire,			*New Jersey*,		
Mr. Frost,	no	no	Mr. Scudder,	ay	ay
Massachusetts Bay,			Fell,	ay	
Mr. S. Adams,	no	ay	*Pennsylvania*,		
Gerry,	ay		Mr. Roberdeau,	no	ay
Holten,	ay		Searle,	ay	
Rhode Island,			Atlee,	ay	
Mr. Ellery,	no	div.	*Virginia*,		
Collins,	ay		Mr. M. Smith,	no	*
Connecticut,			*North Carolina*,		
Mr. Dyer,	ay	no	Mr. Penn,	ay	ay
Ellsworth,	no		Hill,	ay	
Root,	no		*South Carolina*,		
New York,			Mr. Drayton,	ay	ay
Mr. Jay,	ay	ay			
Duane,	ay				
G. Morris,	ay				

So it passed in the affirmative.

~~On motion, Resolved, That a committee of three be appointed to select from the journal the resolutions respecting the calling in certain emissions, and to prepare a proper preamble, in order for publication, and that the committee report to morrow.~~

~~Previous to the balloting so many members withdrew that there were not a sufficient number of States to proceed. Whereupon~~

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, DECEMBER 30, 1778

There not being a sufficient number of states to proceed to business,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, DECEMBER 31, 1778

A letter, of 30th, from Mr. Deane, was read, informing that he waits the orders of Congress, and that he has received letters which he is desirous to communicate personally, which relate to parts of his narrative; Whereupon,

Ordered, That Mr. Deane be notified to attend immediately.

A letter, of 3d, from Major General Gates, at Boston, was read, enclosing a letter of 1 to him from Major General Phillips, proposing to enter into a negotiation with him for a release of the troops of the convention of Saratoga:[1]

[1] The letter of Gates is in the *Papers of the Continental Congress*, No. 154, II, folio 33; that of Phillips is on folio 37.

Ordered, That the letter from Major General Phillips lie on the table, and that the President inform Major General Gates that Congress approve his conduct.

A letter, of 16, from B. Harrison, deputy pay master general in Virginia, was read, enclosing his monthly account:

Ordered, That the same be referred to the Board of Treasury.

A memorial from Robert Patton, messenger, and one from W. Hurrie, doorkeeper, were read: Whereupon,

Resolved, That the sums deducted from the former accounts of the memorialists, by the commissioners of claims, be paid them as a reward for extraordinary service; and that they be paid what is now due to them at the rate of three dollars a day; and that they be paid for the future at the rate of four dollars a day.

A letter, of 30 November, from Major General Gates, was read, enclosing a memorial from Brigadier du Portail, respecting the fortifying the harbour of Boston:

Ordered, That the same be referred to the Marine Committee.

Mr. Deane attending, was called in, and gave further information in writing, and having gone through,

Ordered, That he withdraw into the next room.

Accordingly he withdrew: Whereupon, a motion was made,

That a day be now assigned for Mr. Deane to attend Congress, that such questions may be asked as the house shall think proper, to elucidate the subject matter of his narrative: question put, passed in the negative.

Ordered, That Mr. Deane be called in and informed that he has leave to withdraw, and that Congress will notify to him their future orders:

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Mr. Deane being called in, was informed of the above order, and withdrew.

Congress proceeded to the consideration of the subject of finance; and thereupon,

7. *Resolved*, That, in addition to the fifteen millions of dollars to be paid the year ensuing, the states be called on to pay in their quotas of six million dollars, annually, for eighteen years, commencing with the year 1780, as a fund for sinking the loans and emissions of these United States to the 31 day of December, 1778, inclusive:

8. That if the continuance and circumstances of the war shall make any further emissions necessary the year ensuing, they shall be sunk in the manner and within the period aforesaid:

9. That any of the bills of credit, emitted by order of Congress prior to the year 1780, and no others, be received in payment of the said quotas:

On this, the yeas and nays being required by Mr. [Thomas] Burke,

New Hampshire,		
Mr. Whipple,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
Gerry,	ay	
Holten,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Collins,	ay	
Connecticut,		
Mr. Dyer,	ay	ay
Ellsworth,	ay	
Root,	ay	
New York,		
Mr. Jay,	no	ay
Duane,	ay	
Lewis,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Fell,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Atlee,	ay	
Delaware,		
Mr. M'Kean,	no	no
Maryland,		
Mr. Henry,	no	*
Virginia,		
Mr. M. Smith,	no	*
Griffin,	no	
North Carolina,		
Mr. Burke,	no	no
Hill,	no	
South Carolina,		
Mr. Drayton,	no	no

So it was resolved in the affirmative.

10. That the bills received on said quotas be applied, first, for payment of the interest, secondly, of the principal of loans made by these United States prior to the year 1780; and that the residue of said bills, together with the fifteen millions of dollars for the year ensuing, be not re-issued, but burned and destroyed, as Congress shall direct:

Ordered, That the Committee on the Treasury select from the journal the resolutions respecting the calling in certain emissions, and providing a fund for sinking the bills of credit emitted by Congress, and prepare a proper preamble.

Adjourned to 10 o'Clock to Morrow.

~~Promotion shall be regimental, to the rank of Captain inclusively. [Agreed.] 2d. From that of Captain, to that of Brigadiers [Colonels] inclusively, to be in the Line of the State. [Agreed.] 3d. From the rank of Brigadiers [Colonels], promotion to be in the Line of the Army at large.~~

Adjutants and *Quarter Masters* of Regiments to be nominated by the Field Officers, out of the Subalterns, and to be presented to the Commander in Chief, or the Commander in a seperate department, for approbation, and being approved of, ~~to be by him commissioned according~~ shall receive from him a Warrant agreeable to such nomination. Agreed

Paymasters of a Regiment, to be chosen by the Officers of the Regiment, out of the Captains or Subalterns, and to ~~be commissioned~~ be appointed by Warrants as above: The Paymasters to have the Charge of the Clothing, and to distribute the same. The Officers are to risk their pay in his hand. Agreed

Brigade Major to be appointed as heretofore by the Commander in Chief, or the Commander in a seperate department, out of the Captains in the Brigade, to which he shall be appointed. Agreed

Brigade Quarter Master to be appointed by the Quarter Master General, out of the Captains or Subalterns in the Brigade, to which he shall be appointed. Agreed

Aid de Camps, Two to be allowed to each Major General ~~and Three to each Lieutenant General (if any such Officers should be appointed by Congress)~~ to be appointed by them ~~respectively,~~ in future, out of the Captains or Subalterns. ~~Each new appointed Aid de Camp to receive Twenty Five Dollars per Month, as such.~~ Agreed

The pay of the above named Staff Officers, as such, to be as follows: Adjutant and regimental Quarter Master, Thirteen Dollars pr month; regimental Paymaster, Twenty Dollars pr month; Brigade Major, twenty four Dollars pr month; Brigade Quarter Master, fifteen Dollars per month; Aid de Camps twenty four Dollars per month. They shall severally draw their Rations according to their rank in the Line only; and when promoted above the ranks in the Line, out of which they are respectively appointable, their Staff appointments shall thereupon be made. The present Aid de Camps and Brigade Majors to receive their present pay and rations.

Agreed

Aid de Camps, Brigade Majors and Quarter Masters heretofore appointed from the Line, shall hold their present Ranks, and be admissible into the Line in *that* Rank, or, at the election, may be admissible into the Line again in the same Rank they held when taken from the Line. Provided that no Aid, Brigade Major, or Quarter Master, shall have the command of any Officers who commanded him, while in the Line.

Agreed

Adjutant General. Whenever this Officer shall be appointed from the Line, he may continue to hold his rank and commission in the Line.

Agreed

Committee agreed to recommend it to Congress to take away all Rank from the *Civil* Staff.

Committee agreed to recommend to Congress the speedy establishment of some mode to commissionate Officers who may be regularly advanced, or promoted, in consequence of a vacancy happening; and for appointing other Officers to fill up the vacancy occasioned by such advancement or promotion; and to recommend to Congress, to empower the Commander in Chief, or the General, commanding in a seperate Department, to fill up the Commissions of Officers so advanced, or promoted; and further to recommend to Congress that the vacancies occasioned by such promotion, or advancement, be filled up by some worthy Cadets, if there are any such from the State, raising the Regiment.

Que: ?

Took into Consideration, and agreed to the General's proposition for employing in the next Campaign about 400 Indians of the Six Nations, Cherokees and Creeks.

Agreed to dismiss the Regimental Chaplains, and to constitute Brigade Chaplains with the unanimous concurrence of the Brigadiers.

Resolved, That where supernumerary Lieutenants are continued under this arrangement of the Battalions, who are to do the duty of Ensigns, that they shall be entituled to hold their rank and to receive the pay ~~and rations~~ such rank entituled them to receive.

Agreed

~~Resolved that no more full Colonels be appointed in the Infantry, but where any such office shall become vacant, that the Battalion be commanded by a Lieutenant Colonel (Commandant) who shall be entituled to the same rank, pay and rations of a Colonel as tho he had been commissioned a full Colonel, and such Battalion shall have two Field Officers only viz: a Lt. Colo. Comt, and a Major, and also an additional Captain.~~

Agreed

and to rise from that Rank to that of a Brigadier General.[1]

[1] This report, without date, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 21, folio 157. The last line is in the writing of William Duer. It is indorsed: "New arrangement of the American Army. Order of promotion." Its substance is embodied in the resolves printed under May 27, 1778, p. 542 *ante*.

STANDING COMMITTEES

STANDING COMMITTEES[1]

Appeals

17 February, 1778.	Thomas McKean
	Samuel Huntington
	John Henry
	James Smith
27 July, 1778.	Joseph Reed
	William Henry Drayton
	Elias Boudinot
23 September, 1778.	John Mathews
	Henry Marchant
26 October, 1778.	Oliver Ellsworth

Commerce

19 January, 1778.	James Forbes
20 February, 1778.	Elbridge Gerry
	Henry Laurens
11 April, 1778.	William Henry Drayton
	William Duer
	Oliver Wolcott
17 April, 1778.	Thomas Adams
18 April, 1778.	Richard Hutson
15 July, 1778.	Edward Telfair
	John Harvie
	Andrew Adams
26 October, 1778.	Meriwether Smith
12 November, 1778.	William Whipple
	William Ellery
14 December, 1778.	A new committee:
	Henry Laurens
	Meriwether Smith
	Francis Lewis
	James Searle
	John Fell

[1]See pages 1077–1080 of Vol. IX. I now give such appointments only as were made in 1778.

Foreign Affairs

1 June,	1778.	William Henry Drayton
		William Duer
		James or Jonathan Bayard Smith

Indian Affairs

29 April,	1778.	William Henry Drayton
		Thomas Adams
		Jonathan Bayard Smith

Marine

19 January,	1778.	James Forbes
3 March,	1778.	Samuel Huntington
3 April,	1778.	Edward Langworthy
29 April,	1778.	Nathaniel Scudder
		George Plater
		Thomas Adams
27 May	1778.	Josiah Bartlett
		Samuel Adams
		Gouverneur Morris
		William Henry Drayton
17 July,	1778.	John Penn
23 September,	1778.	Andrew Adams
2 October,	1778.	James Henry
9 October,	1778.	Oliver Ellsworth
6 November,	1778.	William Whipple
20 November,	1778.	Meriwether Smith
21 November,	1778.	Daniel Roberdeau

Medical

13 February,	1778.	Nathaniel Scudder
18 April,	1778.	Gouverneur Morris
23 September,	1778.	Samuel Holton
26 October,	1778.	Josiah Bartlett

Treasury

19 January,	1778.	Abraham Clark
		Daniel Roberdeau
		James Forbes
		Edward Langworthy

Treasury—Continued.

11 March, 1778.	Jonathan Bayard Smith, in place of Roberdeau
18 March, 1778.	John Banister
30 March, 1778.	Oliver Wolcott, in place of Dyer
	Nathaniel Scudder, in place of Clark
9 June, 1788.	Thomas Heyward, Jr.
	Henry Marchant
	John Wentworth, Jr.
	Roger Sherman
13 November, 1778.	Richard Hutson
	Oliver Ellsworth
	Francis Lightfoot Lee, discharged, November 16

War, Board of

14 January, 1778.	Edward Langworthy
	Jonathan Bayard Smith
4 November, 1778.	Roger Sherman
	John Mathews
16 November, 1778.	Francis Lightfoot Lee, in place of Mathews
22 December, 1778.	Jesse Root, in place of Sherman

BIBLIOGRAPHICAL NOTES

1279

1778.

January 21.

Treatment of Prisoners.

195. In Congress, December 19, 1777. /

[Manifesto on the treatment of American prisoners by the British; resolutions of December 19, 1777, and January 21, 1778. F°. pp. 2.

A copy is in the Library of Congress, C. C. 152, v. folio 471, and in the New York Public Library, Emmet, 7222. It measures 34 x 23 cms.

February 3.

Resolutions respecting Oath of Allegiance.

197. In Congress, / February 3, 1778. F°. Broadside.

A copy is in the Library of Congress. It measures 33½ x 21 cms.

February 3.

Oath of Allegiance.

196. I / do acknowledge the United States of Ame- / rica to be Free, Independent and Sovereign States, ... / 16°. Broadside.

"The Bearer hereof will deliver three Packets containing about 600 Blanks which will hasten the business of Administering Oaths. More will be sent by the next Messenger." *Laurens to Washington*, 27 April, 1778.

"The bearer hereof will also deliver a Packet containing 500 forms of an oath for the Army. More of these shall be sent by next opportunity." *Laurens to Washington*, 15 May, 1778.

On June 4, Laurens sent to Washington "about 500 Copies of the Oath of Abjuration &c. If your Excellency shall find it necessary to call for more of them, be pleased to give me an early intimation, in order to set the press at work."

Copies are in the Library of Congress. They measure 10 x 17 cms.

February 5.

Pay rolls and Auditors of Accounts.

198. In Congress, / February 5, 1778 / . . . / February 6, / . . . / February 9 / . . . / . F°. 2 pp.

A copy is in the Library of Congress. It measures 33½ x 21 cms.

February 6.

Resolutions on Hospitals.

199. Rules and directions / for the better regulating the Military Hospital of the United States: / In consequence of a Resolve of the Honourable the Continental Congress, the 6th of / February, 1778; to be punctually observed by the Officers, Nurses, &c. of the / Eastern Department. / [Signed] P. Turner, Surg. Gen. M. H. E. D.
F°. Broadside.

A copy is in the Library of Congress. *Papers of the Continental Congress*, No. 78, xxii, folio 567. It measures 40 x 25 cms.

February 27.

Resolutions concerning Loyalists.

200. The deluded tools of the enemy, who are committing treason against *America* would / do well to peruse the following Resolution of Congress with attention. They may / rest assured, those of them who shall be hardy enough to violate the act, will meet with / condign and exemplary punishment whenever they are taken. / February 27, 1778. F°. Broadside.

A copy is in the Library of Congress. Papers of the Continental Congress, No. 161, folio 105. It measures 16½ x 21 cms.

March 2.

Resolutions concerning Cavalry.

201. In Congress, / March 2, 1778. F°. Broadside.

A copy is in the Library of Congress and in the Boston Public Library. **H. 90a. 373. It measures 27 x 22 cms.

April 6.

Resolutions concerning Pulaski's Corps.

202. Congress having resolved to raise a Corps consisting of / Infantry and Cavalry, to be commanded by General / Count Pulaski, ... 4to. Broadside.

A copy is in the Virginia State Library. It measures 22 x 18 cms.

April 23.

Resolutions concerning Pardons.

203. In Congress, / April 23, 1778. Yorktown: Printed by Hall and Sellers. 4to. Broadside.

Ordered, That five hundred copies in English and two hundred in German be printed. *Journals.*

On April 24 Laurens sent to Washington "about 200 copies of the Act for Pardons. These, if I understand Congress, for I have received no especial direction, are to be dispersed at proper opportunities in the City of Philadel-

phia and wherever else good effects may be expected—Congress taking for granted that each State will enact a proper Law under the present recommendation. There will probably be a further quantity in the German Tongue sent from Lancaster."

"The bearer hereof is charged with a Packet containing 500 Copies of the Oath of Allegiance and Abjuration; and he is directed to call on Mr. Bailey, printer at Lancaster, for 200 Copies of the Act for granting Pardons, printed in the German Tongue." *Laurens to Washington*, 28 April, 1778.

April 29.

Proposals to Foreign Officers and Soldiers.

204. To the officers and soldiers in the service of the king of Great Britain, not subjects of the said king.

Ordered, That one thousand copies of the address be published in the German language and dispersed as General Washington and the Board of War shall direct. *Journals.*

"I have requested Major Brice who is so obliging as to take charge of this to receive from Mr. Bailey, printer at Lancaster, 500 Copies of the Address to foreign Officers and Soldiers printed in the German Tongue, which he has promised to deliver to your Excellency." *Laurens to Washington*, 3 May, 1778.

May 2.

Resolutions concerning Lottery.

205. In Congress, May 2, 1778. 8°. Broadside.

May [3]

Intelligence from France.

206. [On Treaties?]

"I likewise transmit about 100 copies of an abstract of account of intelligence lately received from France which I have by the aid of Mr. Chief Justice Drayton had printed to-day; from an opinion that such an account will be acceptable to the Army, and not unuseful in the City." *Laurens to Washington*, 3 May, 1778.

May 4.

Treaties with France.

207. Treaties / of / Amity and Commerce, / and of / Alliance / Eventual and Defensive / between / His Most Christian Majesty / and the / Thirteen United States / of America. / Philadelphia: / Printed by John Dunlap, / MDCCLXXVIII.

4°. pp. (2) 10, (2) 11–34.

Ordered, That three hundred copies of the Treaties of Amity and Commerce, and of Alliance . . . be printed. *Journals.* November 4, 1778.

May 4.

208. Treaties / of / Amity and Commerce, / and of / Alliance / Eventual and Defensive, / between / His Most Christian Majesty / and the / Thirteen United States / of America. / Hartford: / Reprinted, and sold by Hudson and Goodwin. / MDCCLXXIX.
8°. pp. 32.

209. The / Treaties of Amity / and / Commerce, / and of / Alliance, / Eventual and Defensive, / between His Most Christian Majesty / and the / Thirteen United States / of / North America. / Norwich: / Printed by John Trumbull, at the / Printing Office near the Meeting-House. / M.DCC.LXXIX. 8°. pp. 24.

210. [The Treaties &c.] Newbern, N. C. Printed by John Davis. 1778.

Title from Weeks's Printing in North Carolina.

211. The Treaties between His Most Christian Majesty and the Thirteen United States of America. Philadelphia printed, London re-printed by J. Stockdale. MDCCLXXXII. 8°. pp. 40.

212. The / Articles / Published by Congress, / of a / Treaty of Amity and Commerce, / and of a / Treaty of Alliance / Between the Crown of France / And these United States, / Duly entered into and executed at Paris, on / the 6th day of February last, by a Minister / properly authorized by His Most / Christian Majesty on the one part, and the Commissi- / oners of Congress on the other part. / Also the / Articles / of / Confederation and Perpetual / Union / Between the United States of America, as pro- / posed by Congress to the Legislatures of the / different States. / Lancaster: Printed by John Dunlap. 12°. pp. (2) 2–12, (17).

213. Traité / d'Amitié et de Commerce, / conclu / entre le Roi / et / les États-Unis / de / l'Amérique septentrionale, / le 6 Février 1778. / A Paris, / de l'Imprimerie Royale. / M.DCCLXXVIII.
4to. pp. 23.

Reproduced in Doniol, III. 555.

May 9.

Address to the Inhabitants.

214. Address of the Congress / to the / Inhabitants of the United States of America. / Lancaster, printed by John Dunlap.
F°. Broadside.

The committee to prepare it was composed of Richard Henry Lee, Samuel Chase and Gouverneur Morris.

Sparks states in his Life of G. Morris, that the rough draft is among the Morris papers, in Morris's writing.

215. An / address of the Congress / to the / Inhabitants of the United States of America. / York-Town: Printed by Hall and Sellers. F°. Broadside.

"Colonel Gimat takes the trouble of conveying this and also of a Packet containing 50 Copies of an Address by Congress to the Inhabitants of the United States of America. Your Excellency will be pleased to direct a dispersion of these Papers so as most effectually to answer the purposes intended." *Laurens to Washington*, 11 May, 1778.

"Your Excellency will receive with this, several copies of an Address by Congress under the 9th. Inst., to the Inhabitants of these United States, which Congress request may be dispersed as generally and as speedily as possible, and that the Clergy should be supplied with copies; this may render it necessary to employ the press again in each State. Your Excellency will judge and order what shall appear necessary in this." *Laurens to States*, 11 May, 1778.

A copy is in the Library of Congress. It measures 43 x 26 cms.

216. An / Address of the Congress / to the / Inhabitants of the United States of America. / . . . / Williamsburg: Printed by Alexander Purdie. F°. 2 pp.

A copy is in the Library of Congress. It measures 32½ x 21 cms.

May 9.

Proclamation concerning Privateers.

217. A Proclamation. / . . . / Lancaster, Printed by John Dunlap. F°. Broadside.

218. A Proclamation / . . . / Yorktown: Printed by John Dunlap. F°. Broadside.

May [ ].

Intelligence.

219. [Extracts from Philadelphia Paper.]

Extracts from the Philad^{a} Paper which your Excellency was so obliging to send I caused to be made and printed the Evening the Paper came to hand, much to the satisfaction of Congress and I believe of everybody. Possibly many Gentlemen in the Army may be uninformed of these Interesting transactions, and therefore I shall transmit by the present bearer about 50 copies." *Laurens to Washington*, 15 May, 1778.

May 22.

Deserters and Militia Duty.

220. In Congress, / May 22, 1778. / . . . / York-Town: Printed by Hall and Sellers. 4°. Broadside.

"Dr. Scudder on his return to New Jersey is so obliging as to take charge of this, and also of a packet containing 100 Copies of an Act of Congress, half of these in English and the other half in German, recommending to the several States to exempt from Militia duty and to disqualify for acting as Substitutes all Prisoners and Deserters from the British Army and Navy during the present War. Congress apprehend that a proper dispersion of these Acts in the Neighborhood of the Camp and even in the Enemy's Garrison, if practicable, will produce good effects. More of these shall be sent upon the first intimation from your Excellency." *Laurens to Washington*, 25 May, 1778.

A copy is in the Library of Congress. Letters to Washington, vol. 92, folio 59. It measures 26 x 20 cms.

May 27.

New Regulations for the Army.

221. In Congress, / 27th May, 1778. / Establishment of the / American Army. / York-Town: Printed by John Dunlap. F°.

"I have only to forward to your Excellency the undermentioned papers:

"1. Establishment of the American Army by Acts of Congress of the 28th [27] and 29 May and 1st [2] June—about 200 Copies, in two Bundles. Your Excellency will be pleased to make the necessary distribution in the Army at Valley Forge." *Laurens to Washington*, 4 June, 1778.

A copy is in the Library of Congress. Letters to Washington, vol. 91, folio 131. It measures 31½ x 20 cms.

June 3.

Prize Numbers in Lottery.

222. A List / of the / Fortunate Numbers / in the / First Class / of the / United States Lottery. / . . . / Printed by Hall and Sellers. 8°. pp. 55.

Ordered, That printed pamphlets, containing lists of the prizes drawn by adventurers in the first class of the lottery of the United States, be transmitted by the managers to the assemblies, commissioners of the loan offices, post masters, and lottery agents, and to every person intrusted with the sale of tickets in the several states, for the free inspection of the several adventurers; and that the printers in the several states be requested to publish the whole in weekly portions. *Journals*, June 3, 1778

August 14.

Supplying the Enemy with Food.

223. In Congress, / August 14, 1778 / . . . / Printed by Hall and Sellers, 1779. 4°. Broadside.

August 21.

Court Martial of Charles Lee.

224. Proceedings / of a / General Court Marshall, / Held at Brunswick, / In the State of New-Jersey, / by order of / His Excellency / General Washington, / Commander in Chief / Of the Army of / The United States of America, / For the Trial of / Major General Lee. / July 4th, 1778. / Major General Lord Stirling, President. / Philadelphia: / Printed by John Dunlap, in Market Street / MDCCLXXVIII. F°. pp. 62.

Ordered, That one hundred copies of the proceedings of the Court Martial on the trial of Major General Lee, be printed for the use of the members. *Journals.*

Reprints were made in 1823 and 1864.

September 19.

Report on Currency and Finance.

225. Your Committee, to whom it was referred to consider and report on the Currency / and Finance of these United States, beg leave to report, / . . . F°. Broadside.

The members of the committee were Robert Morris, Elbridge Gerry, Richard Henry Lee, John Witherspoon, and Gouverneur Morris.

Resolved, That sixty copies of said report be printed for the use of the members, and that the printer be under oath not to divulge any part of the said report, nor to strike more than sixty copies, and to deliver to the secretary of Congress said copies, together with the proofs and unfinished sheets. *Journals.*

A copy is in the Library of Congress, Papers of the Continental Congress, No. 26, folio 23. It measures 52 x 41 cms.

September 25.

Provision for disabled officers and privates.

226. In Congress, August 26, 1776. . . . In Congress September 25, 1778. . .

See *Pennsylvania Archives*, vi, 755.

September 26.

Arrangement of Treasury.

227. In Congress, / September 26, 1778. / . . . F°. Broadside.

A copy is in the Library of Congress. It measures 43 x 26 cms.

October 8.

Court Martial of St. Clair.

228. Proceedings / of a / General Court Martial, / Held at White Plains, / In the State of / New-York. / By Order of his Excellency / General Washington, / Commander in Chief / of the Army of / The United States of America, / For the Trial of / Major General St. Clair, / August 25, 1778. / Major General Lincoln, President. / Philadelphia: / Printed by Hall and Sellers, in Market-Street. / MDCCLXXVIII. F°. pp. 52. Map.

Ordered, That one hundred copies of the proceedings of the court martial on the trial of Major General St. Clair, together with his defence, be printed for the use of the members. *Journals.*

October 8.

Resolutions against Limitation.

229. In Congress, / October 8, 1778. / . . . / Philadelphia: Printed by John Dunlap. F°. Broadside.

October 30.

Manifesto on Conduct of War.

230. By the Congress of the United States / of America. / A Manifesto. F°. Broadside.

One of the reasons for issuing this paper was the attempted negotiation of the British Commissioners in the summer and fall of this year.

The Library of Congress possesses a copy of an octavo pamphlet of 16 pages, with the following title:

The / Debates of the Congress, / containing / Select Speeches of the Principal Members / on the / Proposals and Plan sent over for an Accommodation, by / the Commissioners. / The First Part containing the / Speech / of Mr. Morris, / Wherein the real interest of both Countries are consider / ed, the Consequence that must ensue if they are di- / vided, and the mutual Advantages they must enjoy / if United. / To which is added / His first Plan which he delivered to the first / Congress. / Wherein many things are made known to the World, / of which they were entirely ignorant of before. / Price .

Robert Morris was the supposed speaker. The tract was probably issued by James Rivington, at New York, but is much below the general merit of his forgeries.

November 17.

Proclamation of Thanksgiving.

231. A Proclamation / . . . / Done in Congress, this 17th Day of November, 1778. / F°. Broadside.

Prepared by the chaplains of the Congress.

232. [ ] State of New Hampshire. In the House of Representatives, December 18, 1778. Voted that the Proclamation of Congress be printed &c. Exeter: L. Fowle, 1778.

November 24.

Resolutions on Rank in the Continental Army.

233. In Congress / November 24, 1778. F°. Broadside.

December 3.

Court Martial of Schuyler.

234. Proceedings / of a / General Court Martial, / Held at Major General Lincoln's Quarters, / near Quaker-Hill, / In the State of New-York, / By Order of his Excellency / General Washington, / Commander in Chief / Of the Army of / The United States of America, / For the Trial of / Major General Schuyler, / October 1, 1778. / Major General Lincoln, President. / Philadelphia: / Printed by Hall and Sellers, in Market-Street. / MDCCLXXVIII.

F°. pp. 62.

Health of Soldiers.

235. Directions / For Preserving / The Health of / Soldiers: / recommended to / The Consideration of the / Officers / Of the Army of the United / States. / By Benjamin Rush, M. D. / Published by Order of the Board / of War. / Lancaster: Printed by John Dunlap, / In Queen-Street. / M.DCC.LXXVIII. 12°. pp. 8.

Journal.

236. Journal / of / Congress. / Containing / the / Proceedings / From January 1st, 1778, to January 1st, 1779. / Published by order of Congress. / Volume IV. / Philadelphia: / Printed by David C. Claypoole, / Printer to the Honorable the Congress.

8°. pp. (2), 748, LXXXIX, (4).

"Your letter to Mr. Thomson concerning the Journals of Congress was given to the Committee for conducting the publication, of which I am. The Committee wish them to remain at Lancaster till further orders, and are negotiating with Mr. Dunlap for continuing them. If you see him, I wish you would urge his coming to this place immediately." *J. B. Smith to Timothy Matlack*, 19 January, 1778.

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